Acquisition

App F. IX-4

*Previous References.*

1944 (Legislation)

File No. 39-43

Serial Nos. 1

*Later References.*

436

# GENERAL AND REVENUE SECRETARIAT

Manuscript

*Serial Nos.*

**Part B for**

**SUBJECT**

The Mysore public Health Act 1944 (No X of 1944)

To
The compiler Mysore Gazette
No RL 533- Legislation 39-43-1- dated 1-2-1944
Directs the publication of the Act as Act No X of 1944

3/44

Reparation of Public Health Act

(1



Serial No.

From the Director of Public Health
Letter No V-S. 668 of 17-11-39.
Requests instruction of Govt for preparing a provisional bill on the lines of the Madras Public Health Act

Under the provisions of the District Board Act and Town and Municipalities Act it is the obligatory duty of the local bodies concerned to adopt necessary measures for the local health and sanitation. In most of these the Municipalities concerned contribute their share as fixed by Govt. half to half, but the District Boards in most cases plead inability to contribute anything towards health measures.

2) The proposal of the Director for a Public Health Act appears to be desirable there as it makes a statutory provision of funds from the District Board and Municipal Revenues towards health and sanitation on a fixed percentage and would give scope to the

NOTE—Contn. Sheet.

v Preparation of Public Health Act

2271

File No. of 193

General and Revenue Secretariat.

Serial No.

Department of Health to pursue a continuous and progressive policy in health matters.

3) If approved a draft bill will be called for. A draft letter is submitted for orders

MRS 6/12/29 by 6/12

Pl. prepare letter from the Govt of India referred to in the P.W.D. 26/12

4 The letter referred to in the P.W.D. appears to be one (flagged 'D') in the linked file which deals with the subject of Public Health organisation. The preparation of a P.H. Act forms an item under this subject. Vide flag 'E' Submitted with reference to the Asst Secy's note in the margin above

MRS 15-12-29 by 15/12

Sec 16/12

Dept Secy

Govt may be pleased to prepare a provisional bill on the lines given in Madras Health Act. The main provision is to compel local bodies to set apart a certain percentage of their revenues for public health works. Madras State is already spending 25% of their revenues in this way.

SECY. DEV. 16 DEC

Second member 19.12.29 26.

Preparation of Public Health Act 3

General and Revenue Secretariat. | File No. 3071 of 19 . | [App. F. III-2

Serial No.

Subd

6 This file was linked to the main file re the recommendation of the Central Advisory Board of Health - Govt of India, re - which a cir. letter reply was sent to the Residency. This file has to be subd to the second Member; Res orders have not been passed on it.

by 15/2/40

Ce 15/2

(Devt Dept)

6753
15.2.40

2nd. Mem)

7) D P H to be prepared a draft for consideration

Ce 15/2

Ce 16/2

8 Sent by 16/2

TYPING SECTION
16 FEB 1940
GEN. & REV. SECTT.

To the Dir. of P. H.
No. G. 7380 of 20. 2-1940
Requesting him to send a draft bill for consideration of Govt

Letter No. C 941-5 dated 30/31. 8. 1942 from the Director of P. H. forwarding a draft public Health bill for consideration and passing it into an Act.

While forwarding the draft bill the Dr. states that he has called for amendments

Sent 29/2

Reminders are being issued by Mem by

NOTE-Contn. Sheet.

4 Draft Public Health bill

File No. P. H. of 19 . General and Revenue Secretariat.

Serial No.

Since the introduction of the Act at Madras from the Dr of Public of Public Health, and the same will be sent soon after their receipt.

10 Submitted with reference to para 7. Supra.

HS 2/9/42 11 Subs for formal in the first instance. If the proposal is approved, this will have to be sent to the Legislature later. If a bill is to be prepared, it will have to be placed before R.A. first.

2/9

12 Submitted with a copy of the Madras Public Health Act, 1939 forwarded with letter No. C 941-8 dated 5-8-42 from the Dr of Public Health.

HS 7.9.42.

7/9

13 The draft bill sent by Dr. P.H. has been verified with the Madras act. with the exception of the following Sections, ~~[illegible]~~ which ~~sections~~ have been deleted the other section of the Madras bill have been embodied in the draft bill:- Submitted for perusal and orders.

Sub clause 13 of Section 9 of the Act.
117
125 & 126
133
140
141
125
125.

Schedule I
Schedule II

HS 10/9/42

Put up with the Legislative Secretary

Pl. prepare the necessary Act

Library, to kindly put up copies of an up-to-date act referred to above

HS 3.9.42

3/9

Pl. [illegible]

M put up with the Legislative Secretary

19/9

Draft public Health bill 1230 1284

5

General and Revenue Secretariat | File No. P H of 194 | [App. F. III—2

Serial No.

Letter No C 941-9 dated 7-9-42 from the Dr. of P. H. requesting to address Govt of Madras with re. to Amendments to the Madras public Health Act.

14. The Dr of P.H. in a his subsequent letter No C 941-9 dated 7.9.1942 states that it is reported by the Dr of P.H. Madras that spare copies of the Amendments to Madras public Health Act are not available in his office and recommends therefore, addressing the Secretary to Government. Madras, Education and public Health Departments, to send copies of Amendments.

15 In this connection it is submitted that it seems essential that the amendments, up-to-date, are embodied in the draft bill now forwarded by the Dr P H and a final bill prepared and submitted, ~~before~~ for consideration.

16 Submitted for personal and orders if the Residency may be requested to address the Madras Govt for arranging to supply copies of Amendments. For orders if 'A' be done.

A/

10.9.42

17 Yes

17/9

18 Draft submitted for approval

15.9.42

16/9

Secy)

1877

19 Cus 19-9-42

20 Done

21/9/42

SECY. LAW DEPT. 3132 GOVT OF MYSORE

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Public Health Act.

MR 4V-252)

File No. P. H. of 194 .

General and Revenue Secretariat.

Serial No.

To, The Secretary to the Hon'ble the Resident in Mysore

No. PDC 707 dated 25.9.42

Requesting that a copy of the Madras Public Health Amending Act may be arranged to be supplied

Sno. A
25/9/42

Letter No. D. 11923-42 dated 3.11.42 from the Secretary to the Hon'ble the Resident forwarding Amendment to Madras Public Health Act 1941.

21 If approved the letter will be acknowledged and then the file submitted

22 A draft is also submitted

23 for appl

10/11

Law dy

by 10/11

24 put up a note how the appeals if adopted

by 10/11

Sme & submit

by 11/11

4/4

Secretary to the Hon'ble the Mysore.

PDC 1915 dt 14.11.42

Ack. the receipt of the copy of-

ISSUE & RESUBMIT.

SECRETARIAT DEPT. 10 NOV 1942 GOVT OF MYSORE

TYPE SECTION 11 NOV. 1942

public Health Act

(7)



Serial No.

the Madras public Health Amendment Act of 1941.

Maj. "J" 26 The Dr in his letter of 30/31. 8. 42 forwarding a draft public Health bill for consideration stated that the Amendments to the Madras Act were not available in his office and in his subsequent letter of 7. 9. 42 requested Govt to obtain and send a copy of the Amendment Act to his office for reference.

27 The Amendment Act received from the Residency together with draft public Health Bill received from the Dr. P. H. may, perhaps, be sent to ~~the~~ him with a request to send a suitable revised ~~final~~ draft Bill after taking into consideration the Amendments mentioned in the Amending act ~~with the draft Bill suitable~~ now sent, together with a brief Statement of ~~for adoption in Council~~ objects & reasons for the legislation intended

Submitted for orders with reference to Paras 24 and 25 Supra

14.11.42.

14/11 28 A note will be put up after receipt of the revised draft Bill proposed to be called for from the Director of Health, with the ~~Statement of Objects & Reasons~~ general principles of the Bill after incorporating the subsequent amendments

~~Mas~~ 29 Refer para 25 (Law Secy) 14.11

SECT. LAW DEPT. 5-2-45 GOVT. MADRAS

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

(30) 16.11

17.11

8

Public Health Bill / 2527

File No. P.H of 194 .

General and Revenue Secretariat

Serial No.

(31) Draft submitted for approval.

17.11.42

17/11

(32) Issue by 18/11

1 NOV. 1942

The Director of Public Health

S. 6383 of 30-4-42

Requesting to prepare draft bill revised in the light of the said amendment together with a brief note indicating the general principles of the bill

Papers should be arranged properly before submission removing extra papers by the 3/11

(Monthly minutes issue)

3822
[PRICE, 6 pies.
OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 15.1.43
No. 2413

THE FORT ST. GEORGE GAZETTE

PART I-A—EXTRAORDINARY

PUBLISHED BY AUTHORITY

GEN. & REV. SECTT.
GEN. MIS. BRANCH

No. 1] MADRAS, THURSDAY, JANUARY 7, 1943

## PUBLIC HEALTH DEPARTMENT.

### OUTBREAK OF CHOLERA IN MADRAS CITY.

*Fort St. George, January* 7, 1943
(*G.O. Ms. No.* 50, *P.H.*).

**No. 8.**

In exercise of the powers conferred by clause (*a*) of sub-section (1) of section 76 of the Madras Public Health Act, 1939 (Madras Act III of 1939), His Excellency the Governor of Madras is hereby pleased to declare that the City of Madras is visited by an outbreak of cholera.

V. V. SUBRAHMANYAM,
*Deputy Secretary to Government.*

33 ~~(1)~~ Submitted for perusal

12.1.63.

Law dy

12/1

(34) 13-1-63

(35) A copy of the Madras Public Health act 1939 may be put up. The stage at which the 27.1.63

NSI

30

propose a similar measure may be ascertained early

SG
27.1.43

(Ly)
CCS
28.2.43

26

(5) A Copy of the public Health Act of 1939 (Madras) to put up). The D.P.H. has been requested in this office letter no. G.6383a 20.11.42 to send a revised draft bill incorporating all the amendments of the Madras Act. He has been reminded today in the matter. Submitted with reference to para 3 supra.

Ply. Sec. in the Min. office

29.1.43

27 The question of enacting similar legislation here is under consideration. The D.P.H. has been requested to have the draft bill sent by him revised, incorporating the latest amendments (Please vide the linked file) this will be scrutinised after receipt from the D.P.H. Law Dept.)

29/1
29/1
29/1/43

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 1.2.43
No. 5979

(38) The papers be got from the D.P.H. & be a weekly report submitted to the Minister L.S.G.&P.H.

CCS 5-2-43 5.2.43.

PH

15/2

3822
G.
12

(39) Submitted. It is ascertained that the Public Health bill will be ready for submission within a week. A draft letter to the Dr. P. H is also submitted for consideration in view of the above information obtained by phone.

6.2.43.

(40) Done at once & submit
The L. S. Minister was pleased to ~~talk~~ in public question
discuss in person that this & should
not be allowed to be delayed
& should be dealt with briskly
& dropped in the Secretariat.
(as was done in the case of Temporary
Plague Regulations)

(41) Done & put up

6/2

Issued vide G - 9104
of 6.2.43.

(42) Issued & remembered

(43) Jr. permit

6/2/43.

Law dy

6/2

(44) Cus
12-2-43

D.P.H

(45) Please remind today
as the report is due today (12.2.43)

12/2/43.

- 6 FEB. 1943
GEN. & ADM. SECTT.

SECY. LEGISLATIVE
9416
GOVT OF MYSORE

Subject: - Draft Public Health Bill

13

(46) Draft D.O. memorandum submitted for approval.

13.2.43

(47) Issue over seen signature (with draft & form by 13/2

To
The Director of Public Health
8 Rajbhavan Road 13-2-43

Calling for immediate reply re: Draft Bill
Draft

(48) The bill has not been received as yet and no reply has been sent. Submitted for perusal and orders.

16/2/43

(49) May be phoned to, if approved

16/2

(50) The D has written body but he will send it next week. Please place that letter in this file & resubmit x y by 17

(51) The letter received from the D.P.H in the matter is put up herewith. Submitted

17.2.43

by 18/2

4740 (14)
Jm

No. V.S. 478
Encl

GOVERNMENT OF MYSORE

# PUBLIC DEPARTMENT OF HEALTH


DR. P. PARTHASARATHY, L.M.S., B.S.SC. (Mad.),
L.R.C.P. & S. (Edin.), D.T.M. (Lond.),
D.P.H. (Camb.),
*Director of Health.*

~~DR. (MRS.) E. DRESSEL ROSENNACK, M.D.~~
~~(Munich) D.P.H. (Dusseldorf)~~
~~PR. MED. R. (Berlin)~~
~~*Organising Advisory and Inspecting Officer*~~

~~BUREAU OF MATERNITY, CHILD AND OTHER WELFARE WORKS~~
~~Vani Vilas Centre, Vani Vilas Road,~~
*Bangalore*
~~*Mysore*~~ *(S. India)* ~~*dated*~~ February 16, 1943


GEN. & REV. SECTT
17 FEB. 1943
GEN. ... CH.

Dear Sir,

With reference to your D.O. letter No.G.9618/P.H. dated February 13, 1943, I write to state that the Public Health Act including the amendments is being fair typed and will be submitted during this week.

(52) Subd for perusal
with the main file

Yours sincerely,

C. Ganganaik

L.S.G. Minister

17.2 (53)
18
19.2.43

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Secretary to Government,
Law Department, Bangalore.

19-2-43

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 18.2.43
No. 6671

(54) The receipt of the draft Bill pertaining to blvs has been received & yet. Submitted for perusal & orders
(55) Min in need yet to be please
put it up for submit to

Letter No. V.S 482 dated 18/22.2.1943 from the Director of Public Health forwarding Draft Public Health Bill (in duplicate) with a statement of objects and reasons regarding the necessity for a Public Health Act in Singapore.

53 Submitted with reference to paras 28 ~~and~~ in page 7 of the notes and 55 supra. Subject to formal in the first instance. with a copy of the Madras Public Health Act, 1939.

23.2.43.

23/2

10197

Law Dept

24/2

54) For perusal in the first instance

Cus 24-2-43

24.2

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 26.2.1943
No. 6889

Minister 2-55

56 Early action may be taken so that the bill may go before the Assembly

27.2.43

27.2.43

Cus 1-3-43

1/3/43

57) Submitted for orders if this may now be referred to Law Section for opinion if the draft bill proposed is in order. Please note the procedure with reference to standing orders

3/3/43

3.3.43

Vide pl. Dating of Tym Svt Business Manual Section VI

59) The draft bill proposed to be introduced in our State has been compared section by section with the provisions of the Madras Health Act

60) It has been drafted on the same lines with verbal modifications to suit local conditions here.

The necessity for the bill has been clearly indicated by the Director of P.H. in the statement of objects sent by him. The proposal for the enactment of the legislation may therefore be approved, under rule 2 of Section VII — Govt Bills of the Govt Business Manual — page 24.

60 After the legislation is approved by the Minister & Dewan, the file will be sent to the Prohibition Branch for scrutiny & preparing a draft bill as laid down in rule 3 thereof. Refer orders of the L.S.G. Minister at para 58 above.

Law Dy 4/3/43

61. Leg Section will please examine it

5-3-43

57

Mor Dy Leg Section

62. On going through the file

BOYL LAW DEPT 1-0-5-86 5.3.43

BOYR 6.3.43

Mr Leg to attend as instructed 9.3.43 Dy Secy 10.3.43

I do not find the Amending Act of 1941. The ipt of the Amending Act may kindly be put up

BKR
30.3.43

Asst Secy
G.M. for
WC

The Copy has been retained in the office of the Dr. P.H. The Dr was pleased to inform by phone that he would send the copy at once. Soon after it is received it will be sent to Leg. Section. Submitted for kind

Ng
30.3.43

Pl remind the Dr again tomorrow. 30/3

Sk
30/3

67) Amending Act of 1941 (Madras Act) since received from the Dr. P.H. is put up. The file may now be returned to Leg. Section with the Copy of the Amending Act.

Ng
30.3.43.

Asst Secy
Leg. Section
WC

Ly
31.3

Sk
30/3

BKR
31.3.43

The Bill is modelled on the Madras Public Health Act III of 1939, as amended by Act no. XIX of 1941, and closely follows the same. I have no remarks to offer except to make the following observations

67 i) Power to make certain orders under clauses 47, 68 and 76 is given to all the magistrates. In the corresponding provisions

in the Madras Act, a magistrate of the third class is excluded. I think that so far as clauses 48 and 68 are concerned, there is no real need to give also the third class magistrates the power to pass orders under those clauses.

68 iii) In clause 134, it is desirable to mention the specific provisions of various Municipal Acts as has been done in the corresponding section 133 of the Madras Act.

69 iii) Similarly in clause 142(2)(b), provisions of any Acts may be specifically mentioned as in the corresponding section 140(2)(b) of the Madras Act.

The Bill seems to be otherwise all right.

BNR
13.4.43

Law Secy)

71 I agree. The above suggestions may be accepted & the necessary amendments may be made.

Minister L.S.G.
14-4-43

BNR
15-4-43

72 V.G.
26.4.43

73 for further action

74 The Secretary will make amendments accordingly

26.4.43 Asst Secy (L.M. Pr. & C)

26-4-43

GEOV. LAW DEPT. 1292 13/4/43 GOVT. OF MADRAS

OFFICE OF THE MINISTER FOR L. S. G. & P. H. 15 APR 1943 No. 3624

75 1. The changes suggested at para 67 have been incorporated.

76 2. In section 133 of the madras it is stated that bye laws made by a local authority should conform to the requirements of the statute creating that local authority. Studying our municipal Acts it is seen that in the City municipalities Act for instance, such requirements are set out in the first portion of 51 (1) and in 51 (2) and (3) and 52. But reference cannot be made to 51 (1) because it might limit the power to make by laws to those enumerated in that subsection. The requirement of 51 (1) in this behalf is of prior sanction of Govt. In regard to the Dt. Board Act there is the only requirement specified. For these reasons the following draft is suggested.

"134. Bye laws made by a local authority under section 132 and 133 shall always be subject to the previous sanction of the government and shall also be subject,

(a) in case the local authority is a City municipal ~~to act~~ Council, to subsections (2) and (3) of section 5 and section 52 of the ~~mysore~~ Mysore City Municipalities Act, 1933; and

(b) in case the local authority is a town municipal Council, to subsections (2) and (3) of section 48 and section 49 of the Mysore Town Municipalities Act, 1933.

77 3. Refer para 69 of the note: cl 142 (2) (b) states offences under ~~these~~ municipal Acts, the commission of which will make the offender liable

to arrest under the Present Bill. As the Scheme of the Madras Municipal Act differs from ours, it has not been possible to pick out corresponding sections. As such, a study has been made of the 3 municipal Acts, the V. P. Act, & the Dt. Board Act, ~~the Acts~~ and relevant Sections picked out. Sections in the Police Act and the Prevention of Adulteration Act corresponding to those in Madras referred to in the Madras Act have also been put in. Flag E.

Sub Section (2) will then read as follows:—

" " (2) The Offences referred to in subsection (1) are;—

(a) . . . . (as in Bill)

(b) offences falling under any of the Provisions of the Acts mentioned below, if such Provisions are in force in the area over which the local authority has Jurisdiction —

(i) sections 130, 131(1), 150(1), 150(2), 151, 152, 153, 154(1), 158(a), 158(4), 161, 162(1), 162(2), 165(1), 165(2), 167(2), 168(2), 172(1), 172(2), 172(3), 174(4), 175(5), 178(5), 180(3), 181(2), and 184 of the Mysore City Municipalities Act, 1933.

(ii) sections 119, 120(1), 136(1), 136(2), 137, 138, 139(1), 143, 144(1), 144(2), 145, 147, 148(2), 150(1), 151(1), 152(5), 154(4), 156(5), 157(3), 158(2), and 161 of the Mysore Town Municipalities Act, 1933,

(iii) Section 95 of the Mysore Minor Municipalities Act, 1933

488/N
Public Health Bill

Continuation Sheet. File No. / Current No. of Page.

(iv) Sections 56 and 57 of the Mysore Police Act, 1908, and
(v) Section 5 of the Mysore Prevention of Adulteration Act, 1941.

78 (Reference to the Boards Act has been omitted as these requirements are not specified in the Act but left to be framed in the form of byelaws. This applies in part to other municipalities also and to village panchayats)

Secy
RA &c)
1.5.43

79. BXR
1.5.43

Law Secy)

80 The above alterations & amendments may be incorporated & the draft put up very early

3-5-43
BXR
3.5.43

81 The amendments have been incorporated in the Bill as directed above.

82 It is also for orders if the St. of Principles may be modelled on the lines of the St. of Objects and Reasons put up after omitting the detailed notes on Chapters included therein

Secy
RA &c)
3.5.43

83 A— Please put it up also
BXR
3.5.43

84 A Statement of principles modelled on the

LAW DEPT. 13004 '43 GOVT. OF MYSORE

Received in Sanction from the Law Secy
BXR
3.5.43

A

Public Health Bill 488/M

488/M.

Continuation Sheet. File No. / Current No. of Page.

85 St. of Objects & Reasons is put up as ordered

Secy
RA-LC
4-5-43

5 MAY 1943
8342

86 The amendments are incorporated in the Bill and a draft Statement of General Principles is also put up.

BKR
4.5.43

Law Secy

87 May be approved & may be disposed of by circulation

Minister L.S.G.

Dewan

4.5.43

BKR
4.5.43

88 JHL
4.5.43

89 JCM
6/5/43

Chief Secy
D.C.

6.5.43
8.5.43

SECY. LAW DEPT
13092
4/5/43
GOVT OF MYSORE

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 4.5.43
No. 9209

Submitted with a circulation Memo.
4/5/43.
MQ
9/5/43

**For Disposal by Circulation.**

**No. C.** 1059

.....9..1942-43.

## GENERAL AND REVENUE SECRETARIAT

**Council Matter**

*Subject*

90 Proposal to introduce Public Health Bill.

*Circulated to the Council of Ministers.*

By Order,

Wedamparachamy

.....6th May 194 3.

*Chief Secretary to Government.*
7/5/43

91 9505 / 10.5.43 **Minister for Revenue and Law.** KVAlos

92 6473 / 8/5 **Minister for Public Works.** 8.5.43

93 **Minister for Local Self-Government and Public Health.** (seen).

335 / 13.5.43 94 **Minister for Industries and Commerce.** 12/5

69 95 / 14/5/43. **Minister for Education.** 14/5 Law Sec. 17/5

WD 02720—GPB—500—24-4-43

14/5/43

96 13-5-43

(4301M)

98 8/5

97 15/5/43

draft Public Health bill

96 Submitted with a D.F.N. for appl

Law Dy

15/5/43

28. MAY

8777

97 Perhaps a further draft

(98) A Revised D.F.N is put up as directed by the Minister

15-5-43

17/5/43 (99) For approval (as revised by the Minister) typed draft please XXY

Law Dy

17/5

Revised

Redraft

SECY. LAW DEPT. 13673 15 MAY 1943 GOVT OF MYSORE

SECY. LAW DEPT. 13724 17 MAY 1943 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 18.5.43
No. 9609

(100) W.F.N. submitted

16-5-43

Law Dy

101 Two copies of signed F.N. put up.

27/5/43

102 Submitted

28-5-43

Dewan

# FINAL NOTE BY THE MINISTER FOR LOCAL SELF-GOVERNMENT AND PUBLIC HEALTH

**Subject:—** Introduction of Public Health legislation in Mysore.

---- : O : ----

(103) The question of introducing legislation in Mysore on the lines of the Madras Public Health Act of 1939, has been under the consideration of Government for some time. The Central Advisory Board of Health at its meeting held at Madras in January 1939, recommended the adoption of a consolidated Public Health Act on the lines of the Madras Act, by such of the British Indian Provinces and Indian States, where such legislation is not now in force.

(104) In Mysore, there has been so far no independent legislation in matters of Public Health. Some provisions in respect of Public Health are contained in the Mysore District Boards Act and the several Municipalities Acts, under which it is obligatory on the part of the local bodies concerned to adopt measures necessary for advancing public health in the areas concerned. Experience has shown that these provisions have remained a dead letter in the case of several local bodies, as they have not been providing sufficient money for expenditure on Public Health purposes and it is felt that an independent and consolidated measure, on the lines of the Madras Act containing all the essential provisions in matters of Public Health, is necessary for advancing Public Health in Mysore. A draft Bill has accordingly been prepared for being placed before the legislature. The salient features of the Bill are briefly enumerated in the Statement of Objects and Reasons appended to the draft Bill.

105 It is proposed to introduce the Bill at the next sessions of the Representative Assembly and the Legislative Council. The Dewan and the other Ministers agree to the proposal. I solicit the gracious approval of His Highness to the same.

H. B. Gundappa

Bangalore,
27th May 1943.

MINISTER,
Local Self-Government & Public Health.

*Submitted to His Highness.*

106 I submit herewith a Final Note by the Minister for Local Self-Government and Public Health in regard to the proposal to introduce legislation in Mysore on the lines of the Madras Public Health Act of 1939, for His Highness's gracious approval.

M. Venkatarama Aiyar

Bangalore,
28th May 1943.

Minister for Revenue and Law
in charge of current duties of the Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 854
28.5.43

Ch Dy
Kll 4.6

## *Subject.*

107 Proposal to introduce legislation in Mysore on the lines of the Madras Public Health Act of 1939.

No.85b

## *Order.*

108 K.N.
31/5/'43

109 Reference is invited to the St. of Objects and Reasons appended to the Bill. It is for orders if the detailed notes on the several provisions contained therein ha to be included in the St. of Objects & Reasons to be published along with the Bill.

Secy
2A.Se) 8.6.43

110 Notes on clauses do not seem to be necessary. The statement of principles is fairly elaborate and it may be adopted as Objects and Reasons.

BCR
8.6.43

Law Secy)

111 Cus
6.6.43

BCR
8.6.43

112 8/6/43

113 Orders have been obtained for Publication as well as in respect of motions for Lc.

114 The file may be sent to CB. for completing circulation & returning the file very early for taking action for the Lc

8/6/43

Supt C.B)

BVN
8/6

Yours sincerely

(Sgd) C.B.

Immediate.

C1059.

General and Revenue

Secretariat.

SUBJECT:—

114 Proposal to introduce legislation in Mysore on the lines of the Madras Public Health Act of 1939.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

115 Circulated to Council of Ministers for perusal of His Highness' orders ~~before~~/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

M Visvanathaiah
*Chief Secretary to Government.*
5/6/43

Through the Secretary to Government,

....L.a.W.....Department.

5-6-43

116 Minister for Revenue and Law. (Seen)

7114/7.6 117 Minister for Public Works. 8.6

10080/9/6 118 Minister for Local Self-Govt. and Public Health. 12.6.43

Supplies.

1069/14.6.43. 119 Minister for Industries and ~~Commerce~~ 16/6

1404/17.6.43 120 Minister for Education. 17/6

121 Law Secy cases 17/6/43 17/6/43

NOTE. – Contn. sheet

WD 02718—GPB—500—21-4-43

488/M

Draft Public Health Bill

4848

(122) The file will now be sent to Raj. office for further action with reference to para 114 supra

17.6.43.

17 6

18.6.43

(123) The principles of this Bill were placed before RA in June and unanimously approved by that House

18.6.43

(124) Orders of the Dewan were obtained for the publication of the Bill under rule 36 of the Mysore Legislative Rules 1941, and also for the inclusion of the following motions for the Legislative Council

1. The Minister for L.S.G and P.H to introduce the public Health Bill

2. Also to move that the Bill be referred to a Select Committee

The Bill was introduced in the Legislative Council on 6th July 1943 and referred to a Select Committee consisting of the undermentioned members

1. The Minister for Local Self-Government and Public Health — Chairman
2. Mr. Belur Srinivasa Iyengar
3. " D.S. Mallappa
4. " L.S. Raju

The public Health Bill

Continuation Sheet. File No. / Current No. of Page.

4 Mr. G.S. Nadrulla Sheriff
5 " C. Hayavadana Rao
6 " J. Madiah Gowda
7 Dr. J.C.M. Ryan.
8 Dr. V.V. Monteiro
9 M. G. Lakshmana Gowda
10 " C. Narayanaswamy Naidu
11 " A. Bheemappa Naik
12 Mrs. Nagamma Srikantiah

(125) Orders have been obtained in the linked file for holding the Select Committee meeting on Thursday the 11th inst and if necessary on Friday the 12th inst at 1.p.

192 RL

To the members of the Select Committee O.M. Issued No 3283-98 L.C. dated 1st Nov 1943 states that the meeting will be held on the 11th and if necessary on the 12th instants at in the chambers of the Minister for L.S.G. and P.H.

(126) As instructed, the members of the Select Committee will be informed that the meetings have been fixed for the 10th and 11th instants instead of on the 11th and 12th.

A draft O.M. is put up for approval.

(127) The Law Secretary tells me that the Minister for L.S.G. has instructed him that the dates fixed for the meeting must be changed to 10th & 11th inst.
BXR
3.11.43

DV
3-11-43

BXR
3-11-43

Issued No 3313-24. L.C. dated 3rd Nov. 1943 states that the meetings will be held on the 10th and 11th instant instead of on 11th and 12th inst

The Mysore public Health Bill

Continuation Sheet. File No. / Current No. 488/M of Page.

(28) The file is submitted for reference in connection with the Select Committee meeting fixed for tomorrow

BXR 9.11.43

(L.S.G. Minister)

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 9.11.43 No. 2913

(29) The meetings of the Select Committee were held on the 10th, 11th and 12th Nov.

BXR 12.11.43

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 19.11.43 No. 3225

(30) A draft report of the select Committee which considered this Bill is put up for consideration

Secy RA-Le 18.11.43

BXR 18.11.43

(L.S.G & P.H. Minister) 19.11.43

23.11.43

BXR 23.11.43

(31) Proof Copies may be sent immediately to members of S.C. a Copy of Bill as amended may also be prepared quickly

23.11.43

(32) A draft forwarding copies to the members is put up for approval

23.11.43

Secy RA-Le

BXR 23.11.43

23/11/43

23/11/43

The Mysore public Health Bill

Continuation Sheet. File No. / Current No. 488/N of Page.

Issued No 3894-903 L.C dated 23.11.43. to the members of the Select Committee — Forwarding copies of the draft report for approval and return

133) Approved copies of the Report will be awaited

In the meanwhile, the following motions are suggested for the Legislative council

1. Mr H.B Gundappa Gowda to present the Report of the Select Committee on the Mysore public Health Bill
2. Also, to move that the Bill, as reported by the Select Committee, be taken into consideration
3. Also, to move that the Bill be passed

SECY. LAW DEPT. 1.2.77 GOVT OF MYSORE

2N. 25/11/43

BXR 26.11.43

Law Secy)

134 For perusal

Cus 26 11 43

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 26.11.43 No. 3376

Minister L. SG

135) A clear statement of important amendments or changes appeared may be put up for perusal.

BXR 26.11.43

4.12.43

Cus 6-12-43

BXR 6-12-43

136) A St. indicating the changes made by the Select Committee is put up as directed.

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 8.12.1943 No. 8711

8.12.43

The Mysore public Health Bill

Continuation Sheet. File No. / Current No. 488/M of Page.

Subd. 137)

The report of the Select committee was presented to the Legislative council on the 10th December 1943. The Bill as revised by the Select committee was taken into consideration. of the amendments moved in the council, some were accepted and the Bill as amended was finally passed on the 13th December 1943

138) A copy of the Bill as finally passed by the council and signed by the president under Standing Order 44 is placed in the file.

A D & N is put up for approval

139) Typed draft as revised may be put up

31.1.44 31.1.44 4.1.44

140) A typed draft, as revised, is submitted

Draft is submitted for approval

1.1.44 5.1.44 (R.A. Le) 5.1.44

Law Secy

Mr L & G) 5/1

5.1.44

141) The Law Secy will please draft up.

142) 5.1.44. 5.1.44. approved. 16.1.44

DEWA 18. NO. 411

Mr. R

Mr. V.

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 18.1.44 No. 4619

SECY. LAW DEPT. 6375 5 1 7 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 5.1.1944 No. 4291 Submitted Signed. Final note in duplicate is placed below. 17.1.44

# FINAL NOTE BY THE MINISTER FOR LOCAL SELF-GOVERNMENT AND PUBLIC HEALTH

**Subject :—**

Promulgation of the Mysore Public Health Bill.

-----:0:-----

On the 31st May 1943, His Highness was graciously pleased to approve of the proposal to introduce the Mysore Public Health Bill in the Representative Assembly and the Legislative Council.

Para 123 Note

The Bill with the statement of principles was accordingly placed before the Representative Assembly at its Budget Session in June 1943 and was approved by that House. The Bill was thereafter introduced

" 124(a)

in the Legislative Council in July 1943 and was referred to a Select Committee.

137 + 138 7 notes

The report of the Select Committee was presented to the Legislative Council at its recent session on the 10th December 1943, and the Bill as amended by the Select Committee was taken into consideration. Certain amendments were moved in the Council, some of which were accepted by the House. The Bill, as amended, was finally passed on the 13th December 1943.

A copy of the Bill, as finally passed by the Council and signed by the President, in accordance with Standing Order 44 of the Mysore Legislative Council Standing Orders is submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Bangalore,
17th January 1944.

H. B. Gundappagowda

M I N I S T E R ,
Local Self-Government and Public Health.

*Submitted to His Highness.*

I submit herewith a Final Note by the Minister for Local Self-Government and Public Health on the subject of promulgation of the Mysore Public Health Bill into law, for His Highness's gracious approval.

N Madhava Rao

Bangalore,
18th January 1944.

D E W A N.

**Record of Cases submitted for the Orders of His Highness the Maharaja.**

No. 530
19.1.44

## *Subject.*

Promulgation of the Mysore Public Health Bill into law.

No. 532

## *Order.*

20/1/'44.

Chief Secy.

Secy.
21/1/44

24/1/44

General and Revenue

Secretariat.

488/N

C 5 8

SUBJECT:—

Promulgation of the Mysore Public Health Bill into law.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries* concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....L..a..w.....Department.

Minister for Revenue and Law.

Minister for Public Works.

Minister for Local Self-Govt. and Public Health.

Minister for Industries and Supplies.

Minister for Education.

4413 28/1

4633 28/1

4806 24.1.44

4161 25.1.44

4714 29/1/44

Mr. D.V.

Law Secy

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

The Mysore public Health Bill

5075 M

| Continuation Sheet. | File No. / Current No. | of | Page. |
|---|---|---|---|
| | 488 \| RL | | |

The gracious assent of His Highness was accorded on the 20th inst to promulgate the Bill into Law

A draft G.O. directing the publication of the Act as Act No X of 1944 is submitted for approval

JV 31-1-44
BVN 31/1

May be approved
BXR 31-1-44

Law (Secy)

SECY. LAW DEPT. 7262 GOVT OF MYSORE

Ans 31/1/44
BXR 31-1-44

To The compiler Mysore gazette
No RL 533 - Legis 39-43-1 dated 31st Jan 43
Directs the publication of the Act as Act No X of 1944

The Act has been published in part IV of the gazette dated 3rd February 1944

If approved, the file will be sent to the administrative section before recording

It may be returned when done with for being recorded here

Yes. Should have been done earlier
BVN 8/3/44

JV 8/3/44
BVN 8/3

Med. Branch)

JVMS 11/3/44

9455

Submitted for perusal

Law Secy)

JVMS 17.3.44

17.3.44

Returned to Legis. Section. Ans 20-3-44
printed copies have been received two copies may kindly be sent to P.H. Section for file

MR 20/3

Mr J.V.

CS 20/3/44

The Mysore public Health Act, 1944

**Continuation Sheet.** File No. / Current No. 488/M' of Page.

A spare copy of the Act is placed in the file

If approved, the file will be recorded

Sd/- A Deenda

3/8/44

3/8/44

3/8.

G.M. 2271.

GOVERNMENT OF MYSORE

# DEPARTMENT OF PUBLIC HEALTH.

P. PARTHASARATHY, L.M.S., B.S.Sc., L.R.C.P., L.R.C.S., D.T.M., D.P.H.,
*Director of Public Health.*

Telephone No. 2144
Telegram: HEALTH

SESHADRI ROAD,
*Bangalore (S. India), dated*.....November 17,.....*193* 9.

SECY. DEV. DEPT. 21. NOV. 1939 GOVT OF MYSORE

No. V. S. 668 PH
Encl.

FROM

P. PARTHASARATHY, ESQ., L.M.S., B.S.Sc., L.R.C.P., L.R.C.S., D.T.M., D.P.H.,
*Director of Public Health with the Government of His Highness the Maharaja of Mysore, Bangalore.*

TO

P.H. KRISHNA RAO, ESQ., M.A.,
Secretary to the Government of Mysore,
Development Department, BANGALORE.

SIR,

I have the honour to state that the Central Advisory Board of Health, at their meeting held in Madras in January this year, recommended that Provincial Governments and State Administrations bring into force a Public Health Act on the lines of the Madras Public Health Act. The resolution runs as follows:

> "The Board recommends that every Province and State should take steps to provide itself with a consolidated Public Health Act which will cover adequately every part of the field of public health.

A reference on this subject has also been received by Govt. in letter No.F.29-2/39-H dated May 6, 1939, from the Additional Deputy Secretary to the Government of India, Delhi.

Public Health activities in the State have progressed at a rapid rate and these activities are carried on under the Central Department of Health and under the Local Bodies under different Government Orders and Acts. It is very necessary that there should be a statutory provision for local sanitary authorities to utilise certain percentages of their revenues definitely for the improvement of public health and sanitation in order that a continuous and a progressive policy may be maintained in public health - matters.

P.T.O.

3. I request you to be so good as to kindly obtain instructions of Government for this office to prepare a provisional Bill on the lines of the Madras Public Health Act for submission to Government for consideration.

I have the honour to be,
Sir,
Your most obedient servant,

Director of Public Health.

MAK.

Appendix F G—1]

'UBJECT.....

.....

.....

Section PH

File No.

Serial No.

No. 97300

To

The Director of Public Health

Sir

With reference to your letter No. V.S. 668 dated 17th November 1939 regarding issuing of a Public Health Act on the lines of the Madras Public Health Act, I am directed to request you to forward a draft bill for consideration of Govt.

Thanks &c.

G. Dwyer

*Diary No. of letter replied to* .....

General and Revenue Secretariat

( )

*the* *193*

Date of issue 20/2/40

Signed by Mr. C.S.S.C.

List of enclosures.....

Copied by.....

Examined by.....

G.7380

20th February 1940.

The Director of Public Health in Mysore,
Bangalore.

With reference to your letter No. V.S.668 dated 17th November 1939 regarding preparation of a Public Health Act on the lines of the Madras Public Health Act, I am directed to request you to forward a draft bill for consideration of Government.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Development Department.

Als.

Appendix F G—1]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 19

Date of issue 2/12/41

Signed by Mr. V. Ketavyasachary

List of enclosures.....

Copied by

Examined by.....

Section P.H.

File No.

Serial No.

~~D.D.~~ No. G. 5626

~~Sir~~ Dear

I am directed to state that, in your letter No. V.S. 668 dated 17-11-1939 ~~you requested~~ ~~you might be pleased to request Govt. to direct your office~~ to prepare a Bill on the lines of the Madras Public Health Act, as recommended at the ~~third~~ second meeting of the Central Advisory Board of Health at Madras held in January 1939. ~~For which Govt. have~~ Accordingly you were requested in this office in ~~their~~ letter No. 7380/P.H. dated 20-2-1940, ~~requested~~

~~you~~ to send a draft Bill
for the consideration of Govt.
Though several reminders
as noted in the margin have
been issued in the matter, the
~~so far has not~~ draft Bill has not been
~~has been~~ received so far in this office.
I am to request you to give your
personal attention to this matter
and ~~submit~~ send up the draft Bill
~~immediately~~ without any
further delay

Yours sincerely

28/11/41

To The Director of Public
Health in Lepcse.

G 117 d. 6-7-40
1805 d 29-8-40
2699 d 27-9-40
4127 d 14-11-40
6357 d. 16-1-41
7955 d. 10-3-41
9543 D 24-4-41
10789 D 31-5-41
652 d. 15-7-41
1889 d. 18-8-41

24/4

Mr.V.Vedavyasacharya,B.A.,

G.5626/P.H.

2nd December, 1

Dear Sir,

I am desired to state that, in your letter No.V.S.668 dated 17th November 1939, you sought the permission of Government to prepare a Bill on the lines of the Madras Public Health Act, as recommended at the second meeting of the Central Advisory Board of Health held at Madras in January 1939. You were accordingly requested in this office letter No.7380/P.H. dated 20th February 1940 to send a draft Bill for the consideration of Government. Though several reminders as noted in the margin have been issued in the matter, the draft Bill has not been received so far in this office. I am to request you to give your personal attention to this matter and send up the draft Bill without any further delay.

| | | | |
|---|---|---|---|
| No.G. | 117 | dated | 6. 7.40. |
| " | 1805 | " | 29. 8.1940 |
| " | 2699 | " | 27. 9.1940 |
| " | 4127 | " | 14.11.1940 |
| " | 6357 | " | 16. 1.1941 |
| " | 7955 | " | 10. 3.1941 |
| " | 10789 | " | 31. 5.1941 |
| " | 652 | " | 15. 7.1941 |
| " | 1189 | " | 18. 8.1941 |

Y.S.

1/12

Fair M

P. Parthasarathi, Esq., L.M.S., B.S.Sc.(Mad.),
L.R.C.P.& S.(Edin.), D.T.M.(Lond.), D.P.H.(Camb.),
Director of Public Health in Mysore, Bangalore.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

*the* *19*

Date of issue 13/6/42

Signed by Mr. K. R. S

List of enclosures 1

Copied by BAHL 12/6

Examined by .....

**Section** P. H

**File No.**

**Serial No.** R

No. G. 13091

To

The Dr of Public Health.

Sir,

I am directed to invite reference to the Revs Secys D.O. letter No. G. 5626/P.H. dated 2-12-41 and subsequent reminders thereon ending with No. G. 11923 of 13-5-42 in the matter of submission of Draft Public Health Bill and to request you to send the draft bill immediately as the matter has been dragging for very long time

Thank you.

12/6

For Secy to Govt

Rev Dept

GOVERNMENT OF MYSORE

Gm 7973.

Telegraphic Address

No. C 941
Encls

GEN. & PER. SECTT. 23 JUNE 1942 GEN. MIS. BRANCH

OFFICE OF
THE DIRECTOR OF PUBLIC HEALTH
IN MYSORE, BANGALORE

Camp Mudigere
Date June 20, 1942.
23.

To

GEOY. LAW DEPT. 23 JUNE 1942 GOVT. OF MYSORE

The Secretary to Government,
Law Department, Bangalore.

Sir,

With reference to you r letter No. G. 1309/P.H. dated 13th June 1942, re. the Draft Public Health Bill I have the honour to state that the Draft Bill is ready and is for discussion with the Minister for Public Health and Local Self Government.

I have the honour to be,

Sir,

Your most obedient servant,

O. Gopalaiyer

Director of Public Health.

Submitted for kind perusal. The receipt of the bill is well. If approved, be awaited

KAJ
27.6.42

27.

Gm/230

No. 941-5 Incl: one draft Public Health Bill.

P. PARTHASARATHY, Esq., L.M.S., B.S.Sc.,
L.R.C.P., L.R.C., D.T.M., D.P.H.,
*Director of Public Health.*

Office of the Director of Public Health
in Mysore,

BANGALORE,

*Dated* 30th August 1942
31

P14

To

The Secretary to Government,
Law Department,
Bangalore.

SECY. LAW DEPT. 1942 GOVT OF MYSORE

GEN. & REV. SECTT 1 SEP 1942 GEN. MIS. BRANCH.

Sir,

Reminder

With reference to your letter No. F.1309/F.A. dated 16th June 1942, and in continuation of this office letter No.J.941 dated 23rd June 1942, I have the honour to enclose herewith a Draft Public Health Bill for consideration of Government and passing it into an Act. I have written to the Director of Public Health Madras, to send me all the copies of amendments passed since the passing of the Act. As soon as they are received, they will also be sent to you.

I have the honour to be,
Sir,
Your most obedient servant,

P. Parthasarathy

DIRECTOR OF PUBLIC HEALTH.

JBR.

135'9

DXO No. C 941-8 Incl: one Book

Office of the Director of Public Health
in Mysore,

BANGALORE,

Dated 5th September 1942.

P. PARTHASARATHY, Esq., L.M.S., B.Sc.,
L.R.C.P., L.R.C., D.T.M., D.P.H.,
*Director of Public Health.*

GEN. & REV. SECTT
7 SEP 1942
GOVT. MYS. BRANCH.

To

The Secretary to Government,
Law Department, Bangalore.

SECY. LAW DEPT.
7 1942
GOVT OF MYSORE

Sir,

In continuation of this office letter No.C.941-5 dated 31-8-1942, I have the honour to enclose herewith a copy of the Madras Public Health Act for kind perusal.

I have the honour to be,
Sir,
Your most obedient servant,

P. Parthasarathy

DIRECTOR OF PUBLIC HEALTH.

GM 1402

XDAO No. C-941-10

Office of the Director of Public Health
in Mysore,

BANGALORE,

Dated .....7th September.....1942.

P. PARTHASARATHY, ESQ., L.M.S., B.S.Sc.,
L.R.C.P., L.R.C., D.T.M., D.P.H.,
*Director of Public Health.*

GEN. & REV. SECTT
8 SEP 1942
GEN. MIS. BRANCH.

P A To

SEPT
1942
OF MYSORE

The Secretary to Government,

Law Department, Bangalore.

Sir,

Re: Submission of the Draft Public Health Bill.-

—

With reference to your letter No.G.2847 dated 29-8-1942 on the above subject, I have the honour to invite kind reference to this office letter No.C.941-5 dated 31-8-1942 with which the same was sent to the Secretary to Government, Law Department.

Please cir
& R. file
Communicate
[illegible]
[illegible]
[illegible]

Gen 1 note

D.P.H. No. C. 941-9

P. PARTHASARATHY, Esq., L.M.S., B.S.Sc.,
L.R.C.P., L.R.C., D.T.M., D.P.H.,
*Director of Public Health.*

**Office of the Director of Public Health in Mysore,**

**BANGALORE,**

*Dated* .....7th September.... *194* 2

GEN. & REV. SECTT
8 SEP 1942
GEN. MIS. BRANCH.

To

SECY. LAW DEPT.
GOVT OF MYSORE

The Secretary to Government,
Law Department, Bangalore.

Sir,

In continuation of this office letter No.C.941-5 dated 31st August 1942 sending a Draft Public Health bill and stating that the Director of Public Health, Madras has been addressed to send copies of amendments passed since the passing of the Act of 1939, I have the honour to intimate that the Director of Public Health, Madras informs in reply that spare copies of the Madras Public Health Amending Act are not available in his office and that the Secretary to Government of Madras in the Education and Public Health Department may be addressed on the subject.

I therefore request you to be so good as to obtain and arrange to send a copy of the Madras Public Health amending Act for reference in this office.

I have the honour to be,
Sir,
Your most obedient servant,

P. Parthasarathy

DIRECTOR OF PUBLIC HEALTH.

JBR.

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE**

**General and Revenue Secretariat.**

*Dated Bangalore* 25 September 1942.

No. Rd 707

FROM

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Law Department.

To

*The Secretary to the Hon'ble the Resident in Mysore,*
*Bangalore.*

Sir,

Subject:- Spare copies of the Madras Public Health Amending Act.

I am directed to state that in connection with the enactment of a Public Health Act for Mysore it is considered desirable to refer to the several amendments made to the Madras Public Health Act, 1939, and therefore ~~I am~~ to request that, if there is no objection, a copy of the Madras Public Health Amending Act may be arranged to be supplied to this Government ~~early~~.

I have the honour to be

Sir,

Your most obedient servant,

Secretary to Government,
Law Department.

Aga/1.

No.L.11923-42/LA. Pol 577

Gm 2527

From

The Secretary to the Hon'ble
the Resident in Mysore.

To

PH The Secretary to
the Government of Mysore,
Law Department.

Bangalore, 3rd Nov. 1942.

SECY. LAW DEPT. GOVT OF MYSORE

Amendments to the Madras
Public Health Act, 1939.

---

Sir,

I am directed to refer to your letter No.Pol.707/P.H-42 dated the 25th September 1942, and to forward a copy of the Madras Public Health (Amendment) Act, 1941.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

CH.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

*the* *19*

Date of issue 14. 11. 1942

Signed by Mr. C. N. N. with thanks

List of enclosures .....

Copied by .....

Examined by .....

**Section**

**File No.**

**Serial No.**

Subject:- Amendments to Madras Public Health Act 1941

No. L/1 1915

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore

Sir,

I am directed to acknowledge the receipt of the copy of the ~~Amendment to~~ Madras Public Health (Amendment) Act 1941 forwarded with your letter No. D. 11923-42/Gen. dated 3-11-1942.

I have etc.,

10/11

Secretary to Govt

Law Dept.

8-11-42

PO/x1

WD 086—GPB—40,000—30-7-40

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....1404.....

General and Revenue Secretariat

( )

*the* *19*

Date of issue.....20/11/42.....

Signed by .....Mr. R.L.R.-S.....

List of enclosures.....

Copied by .....

Examined by .....

**Section** P.H.

**File No.**

**Serial No.**

Subject:- Draft Public Health Bill

No. G. 6383/G/2/Bills

To

The Director of P.H.

Sir,

With reference to the correspondence ending with your letter No. C 941-9 dt 7.9.42 on the above subject I am directed to forward herewith a copy of the Madras Public Health (Obtaining Fees for Rent) Amendment Act 1941, and to request you to be so good as to propose ~~a suitable revised~~ revised in the light of the draft Bill ~~with the general principles of the Bill~~ after ~~taking into consideration~~ the

the said amendment together with a brief note indicating the general principles of the bill

Amendments mentioned in the ~~Amendment~~ Act referred to above and submit the same to Govt for consideration. The draft Bill received with your letter No. C 941-5/ dated 30/31. 8. 1942 is returned herewith.

I have etc.

[illegible] 18/11/42

For Secy to Govt

Law Deptt

[illegible] 17.11.42

[illegible] 12/XI

Immediate

Subject:- Draft Public Health Bill

9104
d 6.2.43

To,

The Director of Public Health
in Mysore, Bangalore

Sir,

I am directed to invite reference to this office letter No. G.6383/P.H. dated 20.11.42 on the above subject and to request that the Draft Bill ~~should be~~ ~~positively be~~ arranged to be sent to date this office positively within a week from ~~this day.~~

~~The matter may be kindly treated as urgent~~

Yours &c.

I have &c.

for Secretary to Govt
Land Deptt

6.2.43.

6/2

Immediate Subject:- Draft Public Health bill
G 96/8 G 13/2/43

To,
The Director of Public Health

Dear Sir,

I am desired to refer to your personal reference to this office letter No G 6383/P.H dated 20.11.1942 and the subsequent reminder No. G. 9104 dated 6.2.43 on the above subject and to request that the Draft Bill ~~without particulars~~ may be sent immediately as the same is ~~which was~~ due in this office ~~as per letter~~ on 13.2.43 in accordance with the letter of 6.2.1943. ~~is already overdue.~~ ~~[illegible]~~

Yours sincerely

LG
13/2

LG
13.2.43.
LG
13/2

GOVERNMENT OF MYSORE.

# DEPARTMENT OF PUBLIC HEALTH.

4848 Jm

SESHADRI ROAD,

P. PARTHASARATHY, L.M.S., B.S.Sc.,
L.R.C.P., L.R.C.S., D.T.M., D.P.H.,
*Director of Public Health.*

Telephone No. 2144

Telegram: HEALTH

*Bangalore (S. India), dated* February 19, 1943.
22

No. V. S. 486

Encl. Draft Public Health Act in duplicate.

Statement of Objects and Reasons 12 pages
Table of contents - 7 pages
Public Health Bill - 81 pages

FROM

P. PARTHASARATHY, ESQ., L.M.S., B.S.SC., L.R.C.P., L.R.C.S., D.T.M., D.P.H.,
*Director of Public Health with the Government of His Highness the Maharaja of Mysore, Bangalor*

P.H. 119-42

To

C. NARAYANASWAMI NAIDU, Esq., B.A., B.L.,
Secretary to Government,
Law Department, Bangalore.

SIR,

Subject:- Mysore Public Health Bill.

In continuation of this Office D.O. letter No. V.S.478 dated February 16, 1943, I have the honour to submit herewith a draft Public Health Bill (in duplicate) containing 148 Sections based on the Madras Public Health Act. 1939 and its Amendments, 1941, with alterations made to suit local conditions in Mysore. A statement of "Objects and Reasons" regarding the necessity for a Public Health Act for Mysore State is also herewith submitted for favour of perusal of Government.

I have the honour to be,

Sir,

Your most obedient servant,

P. Parthasarathy

Director of Public Health.

blvs

# THE MYSORE PUBLIC HEALTH ~~ACT, 1943~~ Bill.

## Statement of Objects and Reasons.

The passing of a public health legislation in Mysore on the model of the Madras Public Health Act, 1939, has been under the consideration of the Government for some time. At first, it was thought that it would be sufficient to make suitable additions and amendments to the Acts governing local bodies, namely, the Mysore City, Town and Minor Municipalities Acts, 1933, and the Mysore District Boards Act, 1926. It has now been decided to introduce a compact, separate Bill containing such provisions as are essential for the advancement of public health, the existing Acts being left unaltered as far as possible. The Central Advisory Board of Health, Government of India, has also stressed the need for passing Public Health Acts on the lines of the Madras Act. A draft Public Health Bill based on the Madras Public Health Act, 1939, and Amendments thereto effected in 1941, with suitable modifications, is now submitted to Government for favour of consideration.

2. Some of the provisions, for example, those relating to mosquito control, abatement of overcrowding, and venereal diseases, are of a somewhat advanced character, and these provisions are to be extended from time to time to such localities as may be ripe for them.

3. The salient features of the Bill are as follows:-

(1) The constitution of a Public Health Board for Mysore State; (Section 4)

(2) The statutory recognition of the Director of Public Health and the vesting of adequate powers in him for the effective discharge of his duties; (Sections 6, 8 & 14)

(3) The taking of power-

(a) to compel the employment of Health Officers by important local authorities; (Section 10) and

(b) to fix the scales and the conditions of service of the public health establishments employed by local authorities; (Section 9)

(4) Provision that local authorities should earmark a definite percentage of their income for public health expenditure; (Section 128)

(5) The imposition of an obligation on local authorities at the discretion of the Government to provide a sufficient supply of drinking-water; and provision for the compulsory levy of a water-tax for financing water-supply schemes; (Sections 18 and 26)

(6) Effective provisions for securing proper drainage, and a sufficient number of public latrines, etc.; (Sections 28-41)

(7) The prevention and abatement of nuisances; (Sections 42-52)

(8) Adequate measures for the prevention and eradication of infectious diseases; (Sections 53-78)

(9) The prevention, treatment and control of venereal diseases; (Sections 79-81)

(10) Maternity and child-welfare measures; (Section 83)

(11) Mosquito Control; (Sections 84-89)

(12) The reservation of areas for residential purposes; control over insanitary buildings and the abatement of over-crowding; (Sections 90-100)

(13) Registration of lodging houses; (Sections 101-107)

(14) Food control; and (Section 108-115)

(15) Special provisions regarding fairs and festivals, including the levy of a pilgrim-tax and of tolls on vehicles. (Sections 116-126)

**Public Health Board.**

4. There is at present a Central Health Committee consisting of the Minister for Local Self-Government and Public Health, the Director of Public Health, the Chief Engineer, the Senior Surgeon, the Sanitary Engineer, one Member from the Legislative Council, one Member from the Representative Assembly and two retired Officers of Government with public health experience. The object of this Committee is to secure co-ordination of public health work. It is now proposed to create on a statutory basis a Public Health Board with a different constitution. The Board will consist of eight members, namely, the Minister for Local Self-Government and Public Health, two members of the Legislative Council and two members of the Representative Assembly nominated by Government, two retired Officers of Government with experience in public health matters, and the Director of Public Health. The Minister for Public Health will

will be the President of the Board, and the Director of Public Health its Secretary. (Section 4)

5. It will be the function of the Board to advise Government on such matters as the Government may from time to time refer to it. (Section 5)

**The Director of Public Health and his powers.**

6. There is no provision in the existing law for the Director of Public Health exercising any statutory power of control and superintendence over the operations of local authorities. Such a power is considered necessary and is provided for by the Bill. Various functions have been specifically allotted to the Director under the Bill. In particular, the Director has been given a statutory right to recommend such measures as he may consider necessary for improving the public health administration in any local area or for safeguarding the public health in such area, and the local authority concerned is laid under a statutory obligation to adopt such measures with a right, however, of making a reference to the Government if it disagrees with the Director's recommendation. (Section 8)

7. The Government have also been given power to define the powers and duties of the Director as well as those of the members of his staff. (Section 6)

**Health establishments of local authorities.**

8. Local authorities have been classified into (a) urban local authorities, and (b) others. Urban local authorities will consist of the City, Town and Minor municipal councils, and panchayats specially notified by the Government. (Section 3 (35)

9. The Government have been given a discretionary power to compel the employment of Health Officers by local authorities which in their opinion should have such officers. (Section 10) The Health Officers will, in addition to the powers conferred on them by the Bill, exercise such of the powers and duties of the executive authority concerned in regard to public health matters, under the Mysore City, Town and Minor Municipalities

Acts, 1933, or the Mysore District Boards Act, 1926, as the Government may direct. (Section 17)

10. The Health Officer will be vested with an adequate measure of control over the members of the staff working under him. They are not to be transferred or punished except with the concurrence of the Health Officer, and in case of difference of opinion between the Health Officer and the executive authority, the matter is tobe referred to the Director of Public Health for final decision. (Section 15)

11. Power is also taken to appoint additional public health officers in cases of emergency. (Section 11)

12. The scale of public health establishments of local authorities, the persons who should make appointments to such establishments, and their conditions of service, are also to be regulated by the Government. (Section 9)

**Earmarking of income for public health expenditure.**

13. One of the most important provisions contained in the Bill is that which requires every municipality to earmark not less than 30 per cent of its income from all sources for public health expenditure, and every district board or panchayat to earmark not less than 12½ per cent of its income from all sources for such expenditure. The Government have, however, been given power to relax this requirement where financial or other reasons render such a course necessary. Power has also been taken to determine whether any particular item of income or expenditure should or should not be taken into account for this purpose. (Section 128)

**Water-supply.**

14. The Bill requires every local authority in respect of which a direction is issued by the Government, to provide a sufficient supply of drinking water for the consumption of its inhabitants. (Section 18). With a view to implement the obligation thus laid on local authorities, provision is made for the levy of a water-tax. The levy will be obligatory if the Government so require. All revenue derived from the

the tax is to be devoted exclusively to works of water-supply. (Section 26)

15. Provision has also been made for providing additional sources of water-supply and also for preventing the contamination of sources of water-supply. (Sections 19-22)

16. New dwelling houses are not be to permitted to be occupied unless provision is made in the houses themselves or within a reasonable distance therefrom for a sufficient supply of wholesome water, (Section 27)

**Drainage.**

17. All urban local authorities are laid under an obligation to provide drainage systems so far as their funds permit. Power is given to the Government to issue directions to local authorities to provide public drains in any area. (Sections 28 and 29)

18. Important provisions prohibiting (a) the construction of cesspools on unsuitable sites, (b) the construction of houses without drains in urban areas, (c) the causing of damage to drains, (d) the discharge of chemical refuse, etc., into drains, and (e) the pollution of streams, etc., have been incorporated in the Bill. (Sections 33-37)

**Latrines and other sanitary conveniences.**

19. All local authorities will, under this Bill,be under an obligation to provide a sufficient number of suitable latrines for the use of the public. Every buildingwhich may be constructed or reconstructed after this Bill becomes law will have to be provided with sufficient latrine accommodation. Power has also been taken to require proper latrine accommodation to be provided in existing buildings. (Sections 38-40)

**Prevention of nuisance.**

20. An exhaustive definition of "nuisance" has been incorporated in the Bill, and provision has been made for any person aggrieved by a nuisance as so defined, to complain

to the Health Officer and for the taking of suitable action by the latter on such complaint. Provision has also been made for the abatement of nuisances, by the local authority concerned and the recovery of the cost of such abatement. (Sections 42-46)

21. Power has been taken to prohibit the use of houses which are unfit for human habitation. (Section 47)

22. The easing of persons and the deposit of rubbish, etc., in streets, etc., have been prohibited. In the former case, the head of the family or household is to be held responsible for nuisances committed by members of the family or household. (Section 52)

23. With a view to ensure the effective carrying out of the above provisions, the Government have been authorized to empower any of their officers to exercise the powers of the local authority or of its Health Officer in any local area in which the enforcement of such provisions is neglected. (Section 50)

**Prevention of infectious diseases.**

24. "Infectious disease" has been defined in much wider terms than are to be found in the existing Acts (Section 53) and the following provisions have been made for their prevention and control:-

(a) Local authorities are to keep such medicines, equipments and appliances as may be required by the Director of Public Health for the prevention and treatment of infectious diseases; (Sections 55 and 56)

(b) Provision for the appointment of additional health staff to cope with sudden outbreaks or threatened outbreaks of infectious disease; (Section 54 (2)

(c) Power to the Health Officer of the local authority to employ additional staff and obtain medicines, etc., where immediate action is necessary, differences of opinion between the Health Officer and the local authority being referred to the Director of Public Health for final decision; (Section 54(1)

(d) Power of entering and occupying houses which are suitable for purposes connected with the prevention or control of infection; (Section 64)

(e) The imposition of a duty on medical practitioners to report cases of infectious disease; (Section 57)

(f) Power to the Health Officer to prohibit the use of water from suspected sources; (Section 58)

(g) Power to destroy huts to prevent the spread of infection; (Section 67)

(h) Power to close loding houses, etc.; (Section 68)

(i) Power compulsorily to remove patients to hospitals; (Section 59)

(j) Power to prohibit assemblies of more than fifty persons in certain cases; (Section 76)

(k) Power to destroy rats, mice and other animals; (Section 78)

(l) Prohibition of the use of public conveyances, libraries and laundries by infected persons; (Sections 69, 70 and 74)

(m) Special provision for the disposal of the dead bodies of infected persons; (Section 75)

(n) The conferring of special power by Government

(i) to order evacuation of infected houses;

(ii) to enforce vaccination and preventive inoculations;

(iii) to enforce quarantine;

(iv) to restrict the movement of persons and articles exposed to infection; and

(v) to order the closure of any existing markets and to appoint special places for the opening of new markets. (Section 77)

**Venereal Diseases.**

25. The provisions constitute an earnest attempt to deal effectively with the problem of venereal diseases. The following is a summary of the more important provisions:-

(a) Local authorities may be required by the Government to arrange for the free diagnosis and treatment of persons suffering from venereal diseases; (Section 79)

(b) Doctors are required to instruct patients in the measures necessary for preventing the spread of the disease and to impress upon them the necessity for treatment; (Section 80)

**Maternity and child-welfare.**

26. An obligation has been laid on local authorities to carry out such measures relating to maternity and child welfare as may be prescribed by the Government. (Section 83)

## Mosquito control.

27. Provisions have been made for preventing the breeding of mosquitoes. The provisions will however come into force only on the extension thereof to the local area by a notification issued by the Government. Power has also been given to the Health establishments to enter and inspect premises for enforcing the provisions, for the Health staff executing the necessary works in default of the owner or occupier, and for the recovery of the cost of the execution of such works as if it were a property tax, for the protection from damage of anti-mosquito works erected on private property and the recovery of any damage caused to such works. (Sections 84-89)

## Reservation of areas for residential purposes and control over buildings, etc.

28. Every urban local authority is required, within a year of the Bill becoming law, to notify the localities, wards or streets which shall be reserved for residential purposes. The local authority may at any time add to the list of these localities, wards or streets. In areas so notified, no fresh factories, workshops or workplaces can come into existence and the operations of existing factories, etc., may also be suitably controlled. (Sections 90-94)

29. Provisions for securing that new buildings are not constructed on insanitary sites have also been added. (Section 95)

30. Dwelling houses which are unfit for the purpose of human habitation may beordered to be vacated until they are rendered fit for such purpose. (Section 97)

31. Power has been taken to make rules for determining whether tenements or any class of tenements are either overcrowded or are not maintained in a habitable condition and any infringement of these rules is to be punishable. (Sections 98-100)

## Lodging houses.

32. Suitable provisions have been made for registering

keepers of lodging houses and for securing that loding houses are conducted in an orderly manner, with due regard to the laws of public health. (Sections 101-107)

**Food control.**

33. The sale or keeping for sale of unsound food is to be prohibited. It will be presumed that a dealer in food who keeps unwholesome food has kept it for sale until he proves the contrary. (Section 108)

34. Similar provisions will also apply to the sale or the keeping for sale of animals intended for human consumption which are diseased. The case of a child under seven years of age who isemployed to sell unwholesome food is dealt with by making its employer or parent or guardian liable to punishment as if he had himself sold such food. (Section 109 (2)

35. The consumption of the flesh of animals which have died on account of natural causes or on account of disease is also prohibited, and the plea that such consumption took place as a matter of custom, or as a matter of right on account of services rendered in removing the dead cattle, etc., will not be entertained. (Section 110)

36. Adequate powers of entry and inspection for preventing persons suffering from diseases from selling food, for investigation into outbreaks of epidemics caused through milk or dairy produce, and the inspection of dairies are also to be found in the Bill. (Sections 113-115)

**Fairs and Festivals.**

37. The Government are given power to notify a fair or festival as one which should be governed by the provisions contained in the Bill and to define the limits of the fair or festival site. Thereupon, the levy of a pilgrim tax on persons leaving the notified fair or festival centre will be permissible and may, if necessary, be enforced by the Government. (Sections 116 and 117)

38. Provision is also made for the levy of tolls on vehicles entering the area. But motor vehicles will be exempt from such tolls. (Section 118)

39. The giving of adequate notice to the local authority in regard to the holding of a fair or festival in its local area is provided for, and the obligations of the local authority in regard to the sanitary arrangements to be made have been clearly defined. (Section 120)

40. Adequate powers of control have been given especially in the matter of seizing unwholesome food which is the most common medium for the transmission of diseases. (Section 122)

41. Powers have been given to enter and occupy any building or place in the fair or festival centre for purposes connected with the fair or festival, such as the construction of pilgrim and water-sheds, hospitals, latrines,etc. A reasonable rent is to be paid to the owner or lesse of the building. (Section 123)

42. Power has been taken to order the closure or disinfection of sources of water-supply which may be used by persons resorting to the fair or festival if such closure or disinfection is necessary to prevent the spread of disease among such persons. (Section 124)

43. The accommodation of visitors to the fair or festival in houses in the fair or festival site, temporarily, on receipt of a payment, is also brought under control by requiring that the owners or occupiers of the houses concerned should obtain licences. (Section 125)

## Miscellaneous.

44. Power has been given to the Government to appoint persons to carry out any specified provisions of the Bill. The expenses incurred by such persons will be met from the funds of the local authority or authorities concerned, either wholly or in part, as directed by the Government. (Section 13)

45. The Director of Public Health has been empowered in

times of emergency to assign members of the public health establishment of one local authority for temporary duty in the area of another local authority. In such cases, the local authority within whose jurisdiction the persons in question are working willbear the charges connected with their salary, allowances, etc. (Section 14)

46. To ensure the purity of drinking water supplied by railway administrations operating in Mysore, the Government have been given power to require any railway administration to submit samples of the water supplied by it for drinking purposes for analysis by an authority designated by the Government. The railway administration is to pay a fee for such examination. (Section 23)

47. The flesh of an animal is not to be brought into a local area unless it has been slaughtered in a slaughter-house maintained or licensed by the Government or by a local authority. (Section 111)

48. Police officers may arrest persons committing in their view offences against the provisions of the Bill. Executive officers of local authorities and members of the public health establishment not below the rank of Sanitary or Assistant Sanitary Inspector may similarly arrest persons committing in their view offences against the provisions of the Bill or against the provisions contained in the City, Town and Minor Municipalities Acts or the Mysore District Boards Act, which relate to public health matters. Arrested persons should not however be detained in custody for a period exceeding 24 hours without an order from a Magistrate. (Sections 141 and 142)

49. Power has been given to the Government to make rules and to local authorities to make by-laws. The by-laws should not be in conflict with the rules. Rules will be made only after previous publication, and penalities maybe provided in case of their breach. (Sections 129-134)

50. It has been made clear that the provisions contained in this Bill will override any provisions contained in any

other Act in force in Mysore. (Section 147)

51. In view of the magnitude and complexity of the Bill and the possibility that unexpected difficulties may arise in giving effect to its provisions, power has been taken to remove such difficulties. (Section 148)

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# THE MYSORE PUBLIC HEALTH ACT, 1943.

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SCHEDULE II.- Penalties for continuing breaches.

*Clause* 15.

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

5. In sub-clause (2) (a) of clause 15 at the end delete the words "executive authority" and insert in lieu thereof "local authority".

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

6. In sub-clause (2) (b) of clause 15 delete the words "executive authority" in the first and third lines and insert in their stead "local authority."

*Clause* 27.

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

7. In clause 27 of the Bill after the words "be occupied" in the fourth line delete the remaining portion of the clause and insert in lieu thereof "if in the opinion of the Health Officer of the local authority concerned, there is no scope for securing wholesome water sufficient for the domestic purpose of the inmates of the house within a reasonable distance therefrom".

*Clause* 34.

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

8. In clause 34 of the Bill after the words "occupied" in the third line delete the remaining portion of the clause and insert in its stead the following :—

"If in the opinion of the Health Officer the building has not been provided with sufficient means of drainage."

*Clause* 131.

MR. K. GUBBIAH.

*Date of receipt of Notice—9th December 1943.*

After sub-clause 2 in clause 131 *add* the following as sub-clause 3 :—

"All rules and orders made under this Act by the Government shall be laid before the Legislative Council as soon as possible after they are made, subject to such modifications as the Legislative Council may make during the session in which they are so laid"

B. K. RAMAKRISHNAIYA
*Secretary,*
*Legislative Council*

WD 867—GPB—150—10-12-1943

# THE MYSORE LEGISLATIVE COUNCIL.

DECEMBER SESSION, 1943.

## NOTICE OF AMENDMENTS.

### The Mysore Public Health Bill.

(To be moved at the meetings of the Legislative Council to be held on Friday, 10th December, Saturday, 11th December and Monday, 13th December 1943, after the Motion that the Bill, as reported by the Select Committee, be taken into consideration is passed.)

*Clause* 5.

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

1. Add as sub-clause (4) to clause 5 of the Bill the following :–

"It will be competent for any two members of the Board to move propositions in regard to public health in Mysore and the working of the Mysore Public Health Act and call for a meeting of the Board for their consideration."

*Clause* 6.

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

2. In clause 6 of the Bill in the first line after the words "shall have power to" delete the words "inspect, control and superintend" and insert in their stead the word "control".

*Clause* 9

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

3. In sub-clause (1) of clause 9 of the Bill in the second line after the word "Government" the following shall be added :–

"In consultation with the concerned local authority."

*Clause* 10.

BY *Shafiq-ul-Mulk Khan Bahadur* MAHOMED ABBAS KHAN.

4. At the foot of clause 10 the following proviso be added :–

"No orders under (a) and (b) of sub-clause (2) shall be issued unless the opinion of the concerned local body is obtained previously."

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context-

(1) "Building" includes-

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations; and

(c) a boat, tent, van and any other such structure used for human habitation.

(2) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and the young ones of these species.

(3) "Dairy" includes-

(a) any farm, cattle-shed, milk-store, milkshop, or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, butter milk, or dried, sterilized or condensed milk; and

(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk, but does not include-

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place.

(4) "Dairyman" includes any person who sells milk, whether wholesale or by retail.

(5) "Drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water.

(6) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.

(7) "Dwelling house" means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connexion therewith.

(8) "Executive Authority" means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Mysore City Municipalities Act, 1933, the Mysore Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Act, 1926, as the case may be.

(9) "Executive Officer" means the paid officer, if any, of the local authority who is vested with general executive powers in the local area for which such authority is constituted under the Mysore City Municipalities Act, 1933, or the Mysore Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Act, 1926, as the case may be.

(10) "Factory" means any premises including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency.

(11) "Filth" means-

(a) nightsoil and other contents of latrines, cesspools and drains;

(b) dung and the refuse or useless or offensive material thrown out in consequence of any

process of manufacture, industry or trade; and

(c) putrid and putrefying substances.

(12) "Food" includes every article consumed or used by man, for food, drink, or chewing, and all materials used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments.

Definition of "Sub" has been omitted by a.3.

(13) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the district.

(14) "House-drain" means any drain actually used, or intended to be used, for the drainage of one or more premises.

(15) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch, or metallic sheets, and includes any temporary structure of whatever size or any small building of whatever material made which the local authority may declare to be a hut for the purposes of this Act.

(16) "Infectious disease" means an infectious disease as definined in section 53 and includes notified disease as defin~~i~~ed in section 63.

(17) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flush out.

(18) "Local area" means the area within the jurisdiction of a local authority.

(19) "Local authority" means-

(a) in any municipal area, the municipal council concerned;

(b) in any area in a district, which is comprised within the jurisdiction of a panchayat, the panchayat concerned, or if under section 7 the Government so direct in respect of any function, the district board concerned in respect of such function; and

(see section 2 of the Amendment Act)

(c) in the case of all areas in a district which are not comprised within the jurisdiction of a panchayat, the district board concerned.

(20) "Lodging house" means a hotel, a boarding house, a choultry, dharmasala or resthouse not maintained by the Government or a local authoirty, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include-

(a) a students' hostel under public or recognized control, or

(b) a house licensed under section 125 for accommodating visitors to a fair or festival, or

(c) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both.

(21) "Magistrate" does not include an honorary magistrate.

(22) "Milk" means the milk of a cow, buffalo, goat, ass, or other animal and includes cream, skimmed milk, separated milk, and condensed, sterilized or desiccated milk, or any other product of milk.

(23) "Notification" means a notification in the Mysore Gazette.

(24) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.

(25) "Occupier" includes-

(a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and

(b) a rent-free occupant.

(26) "Offensive matter" includes-

(a) filth as defined in clause (11);

(b) sewage as defined in clause (32); and

(c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper.

(27) "Offensive trade" means any trade in which the substances dealt with are, or are likely to become, a nuisance.

(28) "Owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connexion with which the word is used.

(29) "Prescribed" means prescribed by the Government by rules made under this Act.

(30) "Private street" means any street, road, square, court, alley, lane, passage or ridingpath which is not a "public street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises.

(31) "Public street" means any street, road, square, court, alley, lane, passage or ridingpath, whether a thoroughfare or not, over which the public have a right of way and includes-

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, veranda, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Government.

(32) "Sewage" means nightsoil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds.

(33) "Street" means a public or a private street.

(34) "Urban local area" means the area within the jurisdiction of an urban local authority.

(35) "Urban local authority" means-

(a) a municipal council; or

(b) any panchayat notified by Government as an urban local authority for the purposes of this Act, so long as the notification remains in force.

(36) "Venereal disease" means syphilis, gonorrhoea, soft chancre, venereal granuloma or lympho granuloma.

(37) "Water-course" includes any river, stream or channel whether natural or artificial, other than a drain.

(38) "Workplace" means any premises including the precincts thereof, (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration.

(39) "Workshop" means any premises including the precincts thereof, (not being a factory) wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from, any powers possessed by the Government or the Deputy Commissioner under any other law for the time being in force.

Power of Government to direct performance by district board of any function devolving on panchayats.

(See Section 3 of the Amending Act)

7. (1) The Government may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district board and not the panchayat shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayat.

(2) Where a direction is issued under sub-section (1) in respect of any function, the Government may, by general or special order -

(a) determine, or provide for the determination of, the expenses incurred by the district board in performing such function in the area or areas comprised within the jurisdiction of any panchayat or panchayats, and

(b) apportion, or provide for the apportionment of, such expenses between the district board and the panchayat or panchayats concerned.

Powers of the Director of Public Health to advise local authorities.

8. The Director of Public Health may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein:

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

**Public Health Establishments of Local Authorities.**

Public Health staff in local areas.

9. (1) The public health establishment of every local authority shall be on such scale as the Government may from time to time direct.

(2) The authorities who may make appointments to the public health establishments referred to in

sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts, or the Mysore District Boards Act, be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the Director of Public Health shall have disciplinary control over the members of such public health establishments.

Appointment of the Health Officer.

10. (1) A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule.

(2) Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts, or the Mysore District Boards Act, the Government-

(a) shall appoint the Health Officers of all the local authorities in respect ~~of~~ whereof a direction is issued under sub-section (1); and

(b) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and conpulsory insurance as the Government may, by general or special order, determine.

Appointment of temporary Health Officers in emergencies.

11. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the Government may, by order, appoint temporarily for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of, and preventing, such mortality, as the case may be.

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Mysore Medical Registration Act, 1931, either on an honorary basis or on such salary or allowances or both as the Government may fix.

The salary and allowances shall be payable from the funds of the local authority.

Delegation of powers of Health Officer.

12. The Government may, by general or special order, authorize any officer of the Government or of a local authority, to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control and revision, as may be specified in such order.

Appointment of persons to carry out the provisions of this Act.

13. (1) Notwithstanding anything contained in this Act or in any other Act or Acts govering the local authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act, and in such areas, as may be specified in the order.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, and, where more than one local authority is concerned, in such proportions, as may be determined by the Government.

Powers of Director of Public Health over public health staff of local authorities.

14. (1) Subject to such rules as may be prescribed including rules for consultation with the executive authorities concerned, the Director of Public Health shall have power-

(a) to transfer any member of the public health establishment of a local authority to the public health establishment of another local authority; and

(b) in times of emergency, to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.

(2) In the case referred to in clause (b) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working, shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

Health Officer's control over public health staff.

15. (1) The Health Officer in charge of any local area shall exercise supervision and control over all other members of the public health establishment in such area.

(2) (a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

(b) If for any reason the executive authority disagrees with the orders of the Health Officer under clause (a), the executive authority shall refer the matter to the Government whose decision shall be final.

Local authority to provide adequate facilities to the Health Officer.

16. Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery, and forms as may in the opinion of the Director of Public Health be necessary for the proper conduct of the business of such Health Officer.

Authorization of Health Officer to perform the functions of executive authority in public health matters.

17. Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts, the Mysore District Boards Act and the Mysore Prevention of Adulteration Act, 1921, the Health Officer of a local authority shall perform such of the functions, and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order, determine.

## CHAPTER III.

## Water-supply.

Local authority to provide potable water.

18. (1) Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.

(2) The local authority shall, so far as may be practicable, make adequate provision for securing-

(a) that the water-supply is continuous throughout the year, and

(b) that the water supplied is at all times wholesome and fit for human consumption.

(3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for nondomestic purposes.

Power of Government to direct local authority to execute water-works.

19. (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated, to execute within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the Government-

(a) construct, lay, or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water;

(b) purchase or take on lease any water-works, or any water, or any right to store or to take or convey water, either within or without the limits of its local area; and

(c) contract with any local authority or other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply, whether within or without the limits of its local area (other than a source under the control of the Government), from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

Power of Government to divert water from water-main belonging to a local authority.

20. The Government shall have power to take water from any water-main belonging to, or in the control of, a local authority for supplying water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable:

Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal, and consider its explanations or objections, if any.

Power of Deputy Commissioner in regard to water-supply.

21. (1) The Deputy Commissioner of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining-

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken, and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

(2) The Deputy Commissioner or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be:

Provided that before issuing a notice under this sub-section, the Deputy Commissioner or other officer shall give the authorities or persons affected, a reasonable opportunity to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Deputy Commissioner or other officer under sub-section (2), an appeal shallline tothe Government whose decision shall be final.

(4) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority

or authorities or the person or persons by whom, and the period within which, they are to be executed.

(b) The notice shall either-

(i) be published in the prescribed manner; or

(ii) be served on the local authority or on the person owning or having control over the source of water-supply, as the case may be, in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

(6) (a) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned.

(b) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who, on inquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

**Explanation.**- For the purposes of this sub-section, 'water-tax' means-

(a) a tax levied under section 26 of this Act, or

(b) a water and drainage-tax levied under the Mysore City, Town and Minor Municipalities Acts, or

(c) a tax levied under the MysoreDistrict Boards Act, for the specific purpose of executing, maintaining or improving any work for the supply of water.

Power of Director of Public Health to direct local authority to improve water-supply

22. If the Director of Public Health is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of

unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable, he may, by order, direct the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

Railway administrations to submit samples of drinking water for analysis.

23. In the case of any railway in Mysore State, the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government such fee as may be prescribed by them.

Rules for the protection and periodical examination of water supply.

24. The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the State.

Health Officer's powers in regard to insanitary sources.

25. (1) The Health Officer may at any time by written notice require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time tobe specified in the notice, or in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof-

(a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or
(b) cleanse any such source of water-supply from silt, refuse and vegetation; or
(c) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or
(d) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of

water-supply is in his opinion dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same; or

(e) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(f) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion the water is unfit for drinking; or

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighbourhood:

Provided that the provisions of clauses (a) and (d) shall not apply to a stream:

Provided further that a notice shall not be issued under clause (f) unless a notice has first been issued under clause (e) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under clause (f).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or safety of any person or persons, at once proceed to execute the work specified in such notice; and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over such source of water-supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source

the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or which, in the opinion of the local authority, have been necessarily incurred by the owner of, or person having control over, the source of water-supply shall be paid from the funds of the local authority.

Levy of water-tax and ear-marking the proceeds for water-works.

26. (1) Any local authority may with the previous sanction of the Government, and shall, if so directed bythem, levy within its area or any part thereof, any tax which may be necessary for providing water-supply in such area or part.

(2) Any tax levied under sub-section (1) may be a new tax levied on such basis assessed and realized in such manner as may be sanctioned or directed by the Government, or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned in which case all the provisions of such law relating to the incidence, assessment or realization of a tax under such head or in any manner connected therewith shall be applicable to the tax or additional tax,with such modifications and restrictions, if any, as may be prescribed.

(3) (a) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax islevied by the local authority of its own motion, and by the Government in case the tax is levied at their direction.

(b) The local authority may with the previous sanction of the Government and shall, if so directed by them, alter the rates at which any such tax is to be levied.

(4) (a) Every local authority levying a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of works of water-supply in the local area or part thereof within which it is levied.

(b) Such revenue shall be expended in

accordance with such orders as may be issued by the Government in this behalf.

(5) Nothing contained in this section shall be deemed to affect the power of any municipality governed by the Mysore City, Town and Minor Municipalities Acts, to levy a water and drainage tax under the respective Acts.

New house not to be occupied without adequate water-supply.

27. No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

## CHAPTER IV.

## Drainage.

Local authority to maintain public drains.

28. (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.

(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them.

(3) The local authority shall at all times keep in good repair all drains, cesspools and the like vested in or belonging to it.

Power of Health Officer to require drains to be constructed.

29. (1) If any premises are in the opinion of the Health Officer without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

Provided that-

(a) the cost of constructing that portion of the drain which is situated more than one hundred feet from the said premises, shall be paid from out of the funds of the local authority concerned; and

(b) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the premises to construct-

(i) a closed cesspool, tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cesspool, tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

Drains in private streets.

30. Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first-mentioned drain; and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connexion to be made:

Provided that no such connexion shall be made-

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned, or
(b) in default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned, has been duly made.

Drainage for huts.

31. (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such material, as may be considered by the Health Officer to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

Drainage of court, yard, alley, passage, etc.

32. For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any court, yard, alley, lane, passage or open space-

(a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or
(b) to raise the level of such court, yard, alley, lane, passage or open space.

**Explanation.-** It shall be open to the Health Officer to require that in any case both the measures specified in clauses (a) and (b) of this section shall be taken.

Construction and closure of cesspools.

33. (1) No person shall construct a cesspool-

(a) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within such other distance therefrom as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) any liquid being refuse or stream or other liquid which is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive or inflammable substance.

Pollution of water-courses prohibited.

37. No person shall, save as may be generally or specially prescribed-

(1) put, or cause to be put, or cause to fall or flow or be carried, or knowingly permit to be put or to fall or flow or be carried, into any water-course-

(a) any solid or liquid sewage matter, or
(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as, either singly or in combination with other similar acts of the same or any other person, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing pr ocess or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighbourhood of any water-course.

## CHAPTER V.

## Sanitary Conveniences.

Obligation of local authority to provide public sanitary conveniences.

38. Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

New houses to be provided with sanitary conveniences.

39. If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary

conveniences and in such positions as the Health Officer may, by notice, require.

Additional sanitary conveniences.

40. (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences provided therein are insufficient, having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary grounds, he may, by notice in writing, require the owner of such building-

(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice; or

(b) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

Mode of construction of latrines.

41. (1) All latrines shall-

(a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and

(b) be maintained, repaired, altered and used in accordance with the rules and by-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be a nuisance or offensive to public decency, the Health Officer may, by notice in writing, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members

of two or more more families, no person shall injure or improperly foul any such latrine or anything used in connexion therewith.

## CHAPTER VI.

### Abatement of Nuisances.

Certain things to be nuisances.

42. Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (24) of section 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter:-

(1) any premises in such a state as to be prejudicial to health or a nuisance;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ashpit which is so foul or in such a state as to be prejudicial to health or a nuisance;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;

(5) any factory (not being a factory governed by the provision of the Mysore Factories Act, 1936), workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilationis not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so over-crowded while work is carried on as to be prejudicial to the health of those employed therein;

(6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by

steam, or in any mill, factory, dyehouse, brewery, bake-house or gaswork, or in any manufacturing or trade process whatsoever;

(7) any chimney sending forth smoke in such quantity as to be a nuisance; and

(8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood.

Detection of nuisance.

43. Every urban local authority shall-

(a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist therein calling for abatement under the powers conferred on such authority by this Act; and

(b) enforce the provisions of this Act in order to abate such nuisances.

Information regarding nuisance.

44. Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the public Health establishment of the local authority.

Power of Health Officer to abate nuisance.

45. If the Health Officer is satisfied, whether upon information given under section 44 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that-

(a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

(b) where the person causing the nuisance cannot be found that it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do

what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

Power of local authority to abate nuisance.

46. If the person on whom a notice to abate a nuisance has been served under section 45 makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

Provision regarding house rendered unfit for occupation by reason of nuisance.

47. Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

Disposal of articles removed while abating nuisance.

48. (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

(2) A local authority selling any materials under sub-section (1) shall pay the sale-proceeds to the person to whom the materials belonged, after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

Powers of entry and inspection.

49. The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, may enter and inspect

any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that-

(a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sun~~shine~~rise;

(b) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry;

(c) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

(d) due regard shall be paid, so far as maybe compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

Power of Government in case of default by local authority.

50. If the local authority or its Health Officer makes default in doing its or his duty under this Act in regard to the abatement or prevention of nuisances, the Government may authorize any of their officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

Nuisance caused by act or omission outside local area.

51. If a nuisance under this Act within, or affecting any part of, a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or

or default any proceedings in relation to nuisances, authorized by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

Prohibition of the deposit of rubbish, etc., in street, etc.

52. (1) No person shall deposit, or cause or suffer any member of his family or household to deposit, any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street, or on any open space (not being private property), or on the bank of any water-course, except in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.

(2) No person shall ease himself, or cause, permit or suffer any member of his family or household to ease himself, in any such street, arch, drain, open space or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

## CHAPTER VII.

## Prevention, Notification and Treatment of Diseases.

### Part I.

### Infectious diseases in general.

Infectious diseases.

53. For the purposes of this Part, 'infectious disease' means (a) acute influenzal pneumonia, (b) anthrax, (c) cerebro-spinal fever, (d) chickenpox, (e) cholera, (f) diphtheria, (g) enteric fever, (h) leprosy, (i) measles, (j) plague, (k) rabies, (l) relapsing fever, (m) scarlet fever, (n) smallpox, (o) tuberculosis, (p) typhus or (q) any other disease which the Government may from time to time, by notification declare to be an infectious disease either generally throughout the State or in such part or parts thereof as may be specified in the notification.

Appointment of additional health staff.

54. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be:

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the Director of Public Health whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary; and the expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

Provision and maintenance of isolation hospitals and wards.

55. (1) (a) The local authority may, and if so required by the Government shall, provide or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(b) For the purpose of the reception and treatment of such persons a local authority may-

(i) itself build such hospitals, wards or places of reception , or

(ii) contract for the use of any such hospital or part of a hospital or place of reception or

(iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases

(c) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the Director of Public Health.

Provision of ambulances, etc.

56. A local authority may, and if so required by the Director of Public Health shall,-

(a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease; and

(b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

Medical practitioners to give information of certain infectious diseases.

57. Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay-

(a) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector; and

(b) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village headman.

**Explanation.**- In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

Prohibition of the use of water from suspected source.

58. (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to engender or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

Removal of infected person to hospital.

59. (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person-

(a) (i) is without proper lodging or accommodation, or
(ii) is lodged in a place occupied by more than one family, or
(iii) is without medical supervision directed to the prevention of the spread of the disease, or
(iv) is in a place where his presence is a danger to the people in the neighbourhood; and
(b) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment,

the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman, who, according to custom, does not appear in public, is removed to any such hospital or place-

(i) the removal shall be effected in such a way as to preserve her privacy; and
(ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place.

(3) No person shall leave, or be taken away from, any hospital or other place referred to in sub-section (1) without the permission of the medical officer-in-charge or of the Health Officer.

(4) Whoever-

(a) obstructs the removal of any person to any hospital or other place under sub-section (1), or
(b) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3),

shall be punished with imprisonment which may extend to three months, or with fine, or with both.

Prohibition of the exposure of other persons to infection.

60. (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in-

(a) any market, theatre or other place of entertainment or assembly, or
(b) any school, college, play-ground or such other place, or
(c) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(d) any factory or shop.

**Explanation.-** A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

Infected persons not to engage in certain trades and occupations.

61. No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease-

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or

(b) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

Prevention of infectious diseases transmissible from animals.

62. If, in any local area, any infectious disease transmissible to man breaks out or is in the opinion of the Health Officer likely to break out, amongst cattle, or other animals, it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

## Part II.

## Notified Infectious Diseases.

Notified diseases.

63. In this Part, notified disease means,

(a) cerebro-spinal fever,
(b) chicken-pox,
(c) cholera,
(d) diphtheria,
(e) leprosy,
(f) measles,
(g) plague,
(h) rabies,
(i) scarlet fever,
(j) smallpox,
(k) typhus, or
(l) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this Part either generally throughout the State or in such part or parts thereof as may be specified in the notification.

Occupation of houses to prevent the spread of infection.

64. (1) The Health Officer may, in cases of emergency, with the sanction of the Deputy Commissioner, enter upon, occupy and use, or depute any person to enter upon, occupy and use, without having recourse to the provisions of the Mysore Land Acquisition Act, 1894, any building or place which, in the opinion of the Health Officer, is required, and is suitable

for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for t the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Deputy Commissioner.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

Information regarding notified disease.

65. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital and

every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease,

shall, if the case has not been already reported, give information of the same with the least practicable delay-

(a) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector, and

(b) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village headman.

**Explanation.**- In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

Power of entry of local officers to take preventive measures.

66. (1) The Health Officer or any person authorized by him in this behalf may-

(a) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and

(b) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in municipal areas, be exercised also by the executive authority or any person authorized by such authority.

Destruction of hut or shed to prevent spread of infection.

67. (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1); but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Closure of loding houses.

68. If, on the application of the Health Officer, a Magistrate (not being a magistrate of the third class) is satisfied that it is necessary in the

the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

Infected clothes not to be sent to laundry.

69. No person shall-

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of, the Health Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

Infected persons not to use public conveyance.

70. (1) No person who knows that he is suffering from a notified disease shall-

(a) enter any public conveyance used for the conveyance of passengers at separate fares or

(b) enter any other public conveyance, -

without previously notifying the owner, driver, or conductor thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried-

(a) in any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance,

without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in charge of a public conveyance in which a person suffering from a notified disease has been conveyed shall provide for its disinfection.

Letting or sub-letting a building occupied by an infected person.

71. No person shall, without a special permit from the Health Officer, let or sub-let, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has been suffering from a notified disease, within the three months immediately preceding.

Prohibition of the exposure of other persons to infection.

72. (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in-

(a) any street or public place, or
(b) any market, theatre or other place of entertainment or assembly, or
(c) any school, college, play-ground or such other place, or
(d) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(e) any factory or shop.

**Explanation.-** A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

Forbidding work in infected premises.

73. (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be

be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be notified by the Director of Public Health.

Prohibition of use of public library by infected persons.

74. No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

Disposal of bodies of persons dying while suffering from notifi~~able~~ed disease.

75. (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to, the body.

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned, now below the rank of Sanitary or Assistant Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(not in the Madras Act)

(3) (a) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building,

any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(b) A Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct

direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(c) The expenses of the removal and disposal of any body under clause (a) or clause (b) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(4) (a) If any person dies in a hospital or a place of temporary accommodation for the sick, while suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(b) When the body is removed ~~from~~ for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning ground or a crematorium, and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

Power of Magistrate to prohibit an assembly of more than fifty persons.

76. In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate ^ having local jurisdiction shall have power to prohibit either generally, or by special order in any individual

( ^ not being a magistrate of the 3rd class) (Madras Act 2 of 75).

case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

Power of Government to confer special powers on officers to control notified diseases.

77. (1) (a) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, the Government may declare that such place or area is visited by, or threatened with, an outbreak of such disease.

(b) The power conferred on the Government by clause (a) may also be exercised, in the case of a place or area situated in a district, by the Deputy Commissioner of the district subject to the control of the Government.

(c) Any declaration made by the Government under clause (a) or withdrawal thereof in whole or in part shall be published in the Mysore Gazette and shall come into operation on the date of such publication.

(d) Any declaration made by the Deputy Commissioner under clause (b) or withdrawal thereof in whole or in part shall be published in the Mysore Gazette, and shall come into operation on the date of such publication.

(2) When a declaration under clause (a) or clause (b) of sub-section (1) comes into operation and until it is withdrawn, the Deputy Commissioner of the district or any person duly authorized by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the local authority concerned or any officer of the Government other than the Deputy Commissioner may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed, either

generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely:-

(a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);

(c) power to direct-

(i) that persons arriving from places outside the local area, or residing in any building adjacent to, ~~in~~ or in the neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;

(d) power to take such measures as may be necessary-

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including, in case (i) the placing of

restrictions on the movements of such persons, and in case (ii), the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area;

(e) power to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner; and

(f) power to close all or any existing markets and to appoint special places where markets may be held.

(3) (a) If any person who,or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2), declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

(4) The local authority may, in its discretion,

give compensation to any person who in its opinion has sustained substantial loss by the destruction of any property under the powers conferred by this section; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Destruction of rats, mice, etc.

78. (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infesting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1), he may either-

(a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(b) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty-four hours previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.

## Part III.

## Venereal Diseases.

Provision for treatment of venereal disease by local authorities.

79. (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for-

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases.

(2) The local authority may, for the purpose mentioned in sub-section (1), enter into a contract-

(a) with any other local authority, or
(b) with a hospital or medical institution recognized by the Government in this behalf, or
(c) with the sanction of the Government, with any medical practitioner registered under the Mysore Medical Registration Act, 1931.

Patient to be instructed in methods of prevention of the spread of venereal disease.

80. Every physician or other person treating, or examining with a view to treatment, a person having a venereal disease shall, at the first visit-

(a) impress upon such person the necessity for treatment until the cure is effected;
(b) instruct him in regard to the measures necessary for preventing the spread of the disease; and
(c) furnish him with such other information relating to the disease as may be provided by the Director of Public Health.

Certain medical practitioners to certify as to freedom from venereal disease.

81. Every medical practitioner registered under the Mysore Medical Registration Act, 1931, and included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that such person is not suffering from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

## Part IV.

## Power to make rules.

Rules for the prevention, treatment and control of certain diseases.

82. The Government shall have power to make such rules as they deem fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

## CHAPTER VIII.

### Maternity and Child-Welfare.

Local authority to carry out maternity and child-welfare measures.

83. Every local authority shall be bound to carry out such measures pertaining to maternity and child-welfare as may be prescribed.

## CHAPTER IX.

### Mosquito Control.

Prohibition of mosquito breeding in collections of water.

84. (1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extension-

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been so treated as effectively to prevent such breeding.

**Explanation.-** Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment of mosquito breeding places.

85. (1) The Health Officer may, by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the Director of Public Health, as the Health Officer may consider suitable in the circumstances.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract,

expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter be, due from him to the owner.

Health Officer's powers in case of default.

86. If the person on whom a notice is served under section 85 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it were a property tax.

Protection of anti-mosquito works.

87. Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority, or the owner or occupier at the instance of the Government or any local authority, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

Prohibition of interference with such works.

88. (1) No person shall, without the consent of the Health Officer, interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or building, by or under the orders of the Health Officer with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

Power of Health staff to enter and inspect premises.

89. For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Sanitary or Assistant Sanitary Inspector may, at all reasonable times, after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

## CHAPTER X.

## Sanitation and Buildings.

### Part I.

### Residential Areas.

Notification of residential areas.

90. (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issueof a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

Approval of Director of Public Health

91. (1) Before issuing a notification under section 90, the local authority shall-

and of Director of Town-Planning to be obtained for notification.

(a) obtain the approval both of the Director of Public Health and of the Director of Town Planning in regard to-

(i) the suitability of the areas proposed to be reserved for residential purposes; and

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 90; and

(b) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed tobe imposed under sub-section (3) of section 90 and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the Director of Public Health or the Director of Town Planning, the matter shall be referred to the Government whose decision shall be final.

Appeal against notification.

92. Any person aggrieved by the issue of a notification under section 90, may appeal to the Government whose decision shall be final.

Consequences of notification.

93. Upon the issue of a notification under section 90, the following consequences shall ensue, namely:-

(a) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(b) In the case of any factory, workshop or workplace in existence at the time when the notification comes into ~~eff~~ force or of any offensive trade in existence at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

**Explanation (1).-** If work in any factory, workshop, or workplace existing at the time when the notification under section 90 comes into force or any offensive

trade carried on by any person at such time ceases tobe carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop, or workplace or of such offensive trade, as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohibited under clause (a).

**Explanation(2).-** In the case referred to in Explanation (1), where the period exceedssix months but does not extend to one year, work in the factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without the writtenpermission of the Health Officer unless the Government otherwise order.

Extension of sections 90 to 93 to non-urban local authorities.

94. The Government may,by notification, direct that the provisions of sections 90 to 93 shall apply to any non-urban local authority specified in such notification; and thereupon, the provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of section 90 were a reference to the date of publication of the notification under this section.

## Part II.

## Control over Insanitary Buildings.

New building not tobe erected on certain sites.

95. (1) No person shall erect a new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the Health Officer to issue a certificate under sub-section (1), an appeal shall lie to the Government whose decision shall be final.

dwelling house or portion, or any part thereof, as a human habitation.

See 97 of the Madras Act re Prohibiting erection of back-to-back houses has been omitted in the Mysore Act.)

## Part III.

## Abatement of Overcrowding.

Definitions. (See Amending Act section 9)

98. In this Part-

(1) "tenement" means a dwelling house and includes-

(a) any part of a dwelling house which is capable of separate occupation; and

(b) a students' hostel under public or recognized control,

but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) "landlord" means the immediate landlord of the occupier or occupiers of a tenement.

Duties of landlord.

99. A landlord of a tenement-

(a) shall maintain it in a habitable condition; and

(b) except temporarily on occasions such as marriages and the like, shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in a habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

Power to make rules.

100. The Government shall have power to make rules for determining-

(a) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of section 99; and

(b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

## CHAPTER XI.

### Lodging Houses.

Lodging houses to be registered.

101. No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

Register of lodging houses.

102. Every executive authority shall keep a register in which shall be entered-

(a) the fullname and the place of residence of every person registered as the keeper of a lodging house;
(b) the situation of every such lodging house;
(c) the number of persons authorized to be received in the lodging house; and
(d) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging house.

Conditions of registration and of renewal of registration.

103. (1) An executive authority on receiving from any person an application for registration, or for the renewal of his registration, as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority-

(a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and
(b) may refuse to register, or to renew the registration of, an applicant if he is satisfied that-
    (i) the applicant or any person employed or proposed to be employed by the applicant at the lodging house as a deputy or otherwise is not a fit person, whether

by reason of age or otherwise, to keep ~~to~~ of to be employed at a lodging house; or

(ii) the premises are not suitable for use as a lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire, suitaby equipped for use as such; or

(iii) the use of the premises as a lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration, or the renewal of the registration, of a person as a keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date, when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If, at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

Appeal to local authority.

104. A person aggrieved by the refusal of an executive authority to grant or renew registration under section 103 may appeal to the local authority.

Rules for the upkeep and maintenance of lodging houses.

105. The Government shall have power to make rules-

(a) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein;

(b) sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the Court shall, unless and until the contrary is proved, presume-

(a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption, has been kept by such person for sale, and

(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

Punishment for contravening provisions of section 108, through others.

109. (1) Any person who does any of the acts mentioned in sub-section (1) of section 108 or in clauses (a) to (d) of sub-section (1) of section 5 of the Mysore Prevention of Adulteration Act, 1921, through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same.

Flesh of dead animal not to be consumed.

110. No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

**Explanation.-** It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle, or on any other ground.

Importing meat into local area.

111. (1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughter-house maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorized by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale-proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to-

(a) cured or preserved meat, or

(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored any where within such limits in the course of transit, or

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

Power of Health Officer to enter premises used for food trade.

112. The Health Officer may, without notice, enter any place at any time, by dayor by night, where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing the same.

Powers of Health Officer to deal with carriers of disease handling food.

113. (1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale.

(2) If on such examination the Health Officer finds that such person is suffering from, or harbouring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease.

Investigation of diseases caused by milk or dairy produce.

114. (1) If the Health Officer has reason to believe-

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area, or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease,

the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the limits of the local area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained, not directly from a dairy but ~~rkg~~ through some other person, the Health Officer may make a similar requisition upon such other person.

(3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

Inspection of dairy by Health Officer.

115. (1) The Health Officer may inspect any dairy referred to in section 114 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied

from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or that the employees objected to by him have ceased to work at the dairy, or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may either-

(a) permit the milk or other produce of the dairy, after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or

(b) cause such milk or dairy produce to be destroyed.

(5) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

## CHAPTER XIII.

## Fairs and Festivals.

Notification of fairs and festivals by Government.

116. (1) The Government may, by notification-

(a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre, for such period as may be specified in the notification; and

(b) define the limits of the area which shall, for the purposes aforesaid, be the site for the fair or festival.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connexion with which a notification under sub-section (1) has been issued.

Levy of pilgrim tax.

117. (1) The Government, or the local authority with the ~~permission~~ approval of the Government, may, by notification, impose, during a period to be specified in the notification, a tax on persons leaving a notified fair or festival centre or any place within such distance therefrom as may be specified in the notification.

(2) Every such notification shall specify the rates at which the tax shall be levied:

Provided that the tax shall not exceed four annas.

(3) The Government shall have power to make rules regarding-

(a) the collection of the tax;

(b) the ascertainment of the expenses incurred in collecting the tax;

(c) in case the tax is collected by any authority (other than the local authority concerned) or any person, the payment of the proceeds of the tax after deducting the expenses of collecting the same, to the local authority;

(d) in the case referred to in clause (c), the returns and the information to be furnished by the authority or person collecting the tax to the local authority concerned, and the decision of disputes between the authority or person aforesaid and such local authority; and

(e) the decision of disputes between two or more local authorities.

Levy of tolls on vehicles.

118. (1) The Government, or the local authority with the approval of the Government, may, by notification, levy tolls on any vehicle (other than

a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates, and subject to such exemptions, as may be specified in the notification.

(2) The Government shall have power to make rules regarding-

(a) the collection of tolls;
(b) the composition of the tolls payable by any person;
(c) the seizure, detention, and disposal of any vehicle or animal in respect of which toll is not paid;
(d) the duty of the police to assist persons authorized to collect tolls, and the powers of the police in that behalf; and
(e) the penalties to be imposed in case of evasion of tolls or of resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid.

Notice to be given of fair or festival.

119. (1) The person or authority in charge of any fair or festival shall, not less than sixty days before its commencement, intimate to the executive authority or Health Officer of the local authority concerned, or in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of the commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned.

Sanitary arrangements, etc.

120. The local authority within whose jurisdiction a ~~fiar~~ fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly, shall make provision for-

(1) the demarcation and preparation of the site of the fair or festival;

(2) the clearing and draining of the site;

(3) the disposition of the several parts of the fair or festival, including the alignment of roads within the site;

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and the proper preservation of such water;

(5) the accommodation of pilgrims and visitors, to such extent as may be practicable;

(6) the lighting of the fair or festival centre;

(7) the supply by suitable persons of wholesome food, at reasonable rates, and in such quantities as may be necessary, to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival centre;

(8) the collection, removal and disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival;

(10) the detection and segregation of cases of infectious disease and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff, the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and

(12) such other purposes as may be prescribed.

Health Officer to supervise the arrangmenets.

121. The arrangements mentioned in section 120 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local

authorities designated by the person or committee referred to in section 120, or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned within their respective local areas.

— not in the Madras Act)

Power to enter and seize unwholesome food.

122. (1) The Health Officer, or a Sanitary (or Assistant Sanitary) Inspector of the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may-

(a) enter and inspect any building or shop in the fair or festival centre, which is a source of food-supply;

(b) for the purpose of inspection, have access to any source of water-supply on such centre or within such distance therefrom as the Government may, by general or special order, determine; and

(c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival centre which, he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if, in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2) (a) Any officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed; and any expenses incurred in this behalf (including the cost, if any, of analysing the food or a sample thereof) shall be recoverable from the person from whom the food was seized, as if it were a tax due

Control over private sources of water-supply.

124. (1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival site, or within such distance therefrom as the Government may by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

Licensing of houses to accommodate visitors to fair or festival.

125. (1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed, and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3) (a) If it appears to the executive authority or the Health Officer, as the case may be, that the

house is suitable for accommodating visitors to the fair or festival, he may issue a licence, in the prescribed form and subject to the prescribed conditions, for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the house, whether as members of the family or as servants of the owner or occupier.

(b) The licence shall also specify-

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licensed house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfilment of such condition, as he may specify.

Extension of provisions of Chapter to certain areas.

x

( this section is not found in the Madras Act. )

(see section 13 of the Amendment Act)

126. The Government may, by notification and subject to such modifications, if any, as may be specified therein, extend all or any of the foregoing provisions of this Chapter or any other provision in this Act connected therewith, to any local area or part of a local area in which a large number of persons attending a fair or festival held in a notified fair or festival centre halt, or are expected to halt, on their way to, or return from, such centre.

## CHAPTER XIV.

### Finance.

Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals.

127. If in respect of any fair or festival, any tax or toll is levied under section 117 or section 118 of this Act, or under the Mysore City, Town and Minor Municipalities Acts, or the Mysore District Boards Act, the local authority shall have power to spend the proceeds thereof in connexion with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may, by general or special order, authorize.

Earmaking of revenue by local authorities for expenditure on public health.

128. (1) Every municipality shall earmark not less than 30 per cent of its income from all sources other than Government grants, for expenditure on the advancement of public health in its local area, including expenditure on medical relief, and every district board or panchayat shall similarly earmark not less than 12½ per cent of its income from such sources:

Provided that the Government may, for financial or other reasons, vary the provisions of this sub-section to such extent as they may think fit in the case of any municipality or district board or any panchayat or class of panchayats.

(2) (a) The Government may, by notification authorize any local authority or class of local authorities to incur expenditure on any public health purpose specified in the notification, notwithstanding anything contained in the Act under which such local authority or authorities have been constituted.

(b) Any expenditure incurred by a local authority, which is authorized by clause (a) shall be taken into account for the purposes of sub-section (1).

## CHAPTER XV.

### Rules, By-Laws, Penalties, &c.,

Power of Government to make rules.

129. (1) The Government shall, in addition to the rule-making powers conferred on them by any other

provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules-

(a) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and

(b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

Penalty for breach of rules.

130. (1) In making a rule under section 82, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable-

(i) with fine which may extend to one hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making and the effect of rules.

131. (1) The power to make rules under this Act shall be subject to the following conditions:-

(a) A draft of the rules shall be published in the Mysore Gazette.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

"134. Byelaws made by a local authority under sections 132 and 133 shall always be subject to the previous sanction of the Government and shall also be subject,

(a) in case the local authority is a City Municipal Council, to sub-sections (2) and (3) of section 51 and section 52 of the Mysore City Municipalities Act, 1933; and

(b) in case the local authority is a Town Municipal Council, to sub-sections (2) and (3) of section 48 and section 49 of the Mysore Town Municipalities Act, 1933."

(2) All rules made under this Act shall be published in the Mysore Gazette and upon such publication shall have effect as if enacted in this Act.

By-laws by local authorities.

132. Any local authority may make by-laws, not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

Breach of by-laws.

133. In making a by-law, the local authority may provide that a breach thereof shall be punishable-

(a) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making or altering by-laws.

134. In regard to by-laws made by a local authority under sections 132 and 133, the provisions now existing shall also apply.

- provisions of the local Act have to be mentioned as in the Madras Act)

Penalties for offences against Act, etc.

135. (1) Whoever-

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions,

shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of-

(a) contravening any of the provisions of this Act specified in the first and second columns

of Schedule II; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions,

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

**Explanation.-** The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

Penalty for preventing entry of executive authority or Health Officer.

136. Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

**Miscellaneous.**

Appeal against decisions of Health Officer.

137. Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed.

Method of serving notices.

138. (1) When any notice is required to be given by this Act or by any rule, by-law, regulation or order made under it, such notice shall be given-

(a) by giving or tendering the notice to such person; or

(b) if such person is not found, by leaving such notice at this last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the local area and his address elsewhere is known to the executive authority, by sending the same to him by post, registered; or

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

Cognizance of offences against the Act.

139. No person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it, unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer, or by a person expressly authorized in this behalf by the local authority, the executive authority or the Health Officer:

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1904, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

Power to compound offences.

X 140. The executive authority or the Health Officer may compound any offence against this Act or the rules or by-laws made thereunder which may, by rules made by the Government, be declared compoundable.

The power to compound any offence so declared may

X See 140 This section is not found in the Madras Act (See Section 114 of the Amending Act)

1(2)(2)

"(2) The offences referred to in sub-section (1) are:-

(a) offences against any of the provisions of this Act or of any rule or byelaw made thereunder; and

(b) offences falling under any of the provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction --

(i) sections 130, 131(1), 150(1), 150(2), 151, 152, 153, 154(1), 158(a), 158(b), 161, 162(1), 162(2), 165(1), 165(2), 167(2), 168(2), 172(1), 172(2), 172(3), 174(4), 175(5), 178(5), 180(3), 181(2), and 184 of the Mysore City Municipalities Act, 1933

(ii) sections 119, 120(1), 136(1), 136(2), 137, 138, 139(1), 143, 144(1), 144(2), 145, 147, 148(2), 150(1), 151(1), 152(5), 154(4), 156(5), 157(3), 158(2), and 161 of the Mysore Town Municipalities Act, 1933

(iii) section 95 of the Mysore Minor Municipalities Act, 1933

(iv) sections 56 and 57 of the Mysore Police Act, 1908 and

(v) section 5 of the Mysore Prevention of Adulteration Act, 1921.

also be exercised by such other authority or person as may be authorized in that behalf by rules made by the Government.

Powers of Police Officers to arrest offenders against Act, etc.

141. Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or by-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason to believe to be false.

Powers of executive officer and public health staff to arrest offenders against Act, etc.

142. (1) The executive officer of a local authority or any member of the public health establishment of a local authority not below the rank of Sanitary or Assistant Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer in charge of the nearest police station as expeditiously as possible.

(2) The offences referred to in sub-section (1) are-

(a) offences against any of the provisions of this Act or of any rule or by-law made thereunder; and

(b) offences falling under any of the corresponding provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction-

(i) The Mysore City, Town and Minor Municipalities Acts, 1933;

(ii) The Mysore District Boards Act, 1926;

(iii) The Mysore Prevention of Adulteration Act, 1921.

In the Madras Act the corresponding provisions of these Acts have been specified. These provisions may be specifically incorporated in our Act also by

Persons arrested not to be detained unnecessarily.

143. No person arrested under section 141 or section 142 shall be detained in custody-

(a) after his true name and address have been ascertained, or

(b) for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction ~~or~~ to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the Court having jurisdiction to try the case.

Bar of suits and prosecutions in certain cases.

144. (1) No suit, prosecution or other proceeding shall lie, against any local authority or any executive authority of a local authority, or against the Government or any officer or servant of a local authority or of the Government, or against any person appointed under section 13 of this Act, for any act done or purporting to be done under this Act without the previous sanction of the Government.

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the Government and no person appointed under section 13 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Punishment for malicious abuse of powers.

145. Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person appointed under section 13 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

**Explanation.-** No prosecution shall be instituted under this section without the previous sanction of the Government.

Delegation of powers by Government.

146. The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority.

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act or to their powers under sections 2 (2), 2 (3) (b), (9(2), 128 (1) and 148.

This section is not found in the Madras Act (See Section 15 of the Amending Act)

Act to override other enactments.

147. If any provision relating to public health contained in any other enactment in force in Mysore in repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void.

Power to remove difficulties.

148. If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

## SCHEDULE I.

### Ordinary Penalties.

[See section 135 (1).]

| Section. | Sub-section or clause. | Subject. | Fine which may be imposed. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| 25 | (1) | Failure ~~xx~~ of the owner or other person having control to obey or comply with the directions contained in a notice requiring to keep any well, etc.,in good repair, to cleanse it, or protect,etc. | Fifty rupees |
| 27 | .. | Owner of new dwelling house occupying or permitting its occupation without a supply of wholesome water. | Fifty rupees |
| 29 | (1) | Failure to comply with notice to provide efficient drainage. | Fifty rupees |
| 30 | .. | Failure to comply with notice requiring to connect a house drain with an outside drain. | Fifty rupees |
| 31 | .. | Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land. | One hundred rupees. |
| 32 | .. | Failure to comply with notice for paving or raising the level of any court, yard etc. | Fifty rupees |
| 33 | (1) | Unlawful construction of cess-pool or construction of cess-pool on unapproved site. | Fifty rupees |
| | (2) | Failure to comply with notice requiring removal or closure of cess-pool. | Fifty rupees |
| 34 | .. | Occupying or permitting occupation of new building without drain. | One hundred rupees |
| 35 | .. | Letting out sullage or sewage into a street, etc. | Fifty rupees |
| 36 | .. | Discharging injurious refuse, etc., into a drain. | One hundred rupees |
| 37 | .. | Polluting water-course | One hundred rupees |
| 39 | .. | Constructing or reconstructing a building intended for human habitation without a sanitary convenience. | Fifty rupees |
| 40 | .. | Failure to comply with notice regarding provision of sanitary conveniences or latrines. | Fifty rupees |
| 41 | (1) | Failure to construct and maintain latrines in the prescribed manner. | Fifty rupees |
| | (2) | Failure to comply with notice regarding removal or improvement of latrines. | Fifty rupees |

| Section. (1) | Sub-section or clause. (2) | Subject. (3) | Fine which may be imposed. (4) |
|---|---|---|---|
| | (3) | Causing injury to latrines. | Fifty rupees |
| 45 | .. | Failure to comply with notice to abate nuisance. | Fifty rupees |
| 47 | .. | Failure to comply with Magistrate's order prohibiting the use of a house or building. | One hundred rupees |
| 52 | (1) | Depositing filth, rubbish, etc., in streets. | Twenty-five rupees |
| | (2) | Easing or permitting a member of the family to ease in a street, etc. | Twenty-five rupees |
| | (3) | Failure to cover excreta with earth. | Five rupees |
| 57 | .. | Failure to give information regarding existence of certain infectious diseases. | Five rupees |
| 58 | (2) | Failure to comply with notice prohibiting the use of unwholesome water. | One hundred rupees |
| 60 | .. | Exposing other persons to infection. | Twenty-five rupees |
| 61 | (a) | Infected persons carrying on trade in articles of food. | Fifty rupees |
| | (b) | Infected persons engaging in other occupations without permit. | Fifty rupees |
| 65 | .. | Failure to give information of notified diseases. | Ten rupees |
| 68 | .. | Failure to close lodging houses, etc. | One hundred rupees |
| 69 | .. | Sending infected clothes to a laundry or depositing infected articles in a receptacle for refuse matter. | Fifty rupees |
| 70 | (1),(2), (3)and(5). | Using or permitting use of public conveyance by an infected person. | Fifty rupees |
| 71 | .. | Letting or sub-letting of infected building without a permit. | Fifty rupees |
| 72 | .. | Exposing other persons to infection. | Fifty rupees |
| 73 | (1) | Failure to comply with notice forbidding work in infected premises. | Fifty rupees |
| 74 | .. | Use of books from public libraries by infected persons,etc. | Fifty rupees |
| 75 | (1),(2),(4) and (5). | Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it,etc., etc. | Fifty rupees |
| 76 | .. | Failure to comply with order prohibiting assemblages of more than 50 persons. | One hundred rupees. |
| 77 | (2) | Failure to comply with any order or direction issued by the Deputy Commissioner or other officer. | One ~~hundred~~ thousand rupees |
| 78 | (1) | Failure to take steps for the destruction of rats, mice,etc. | Twenty rupees |

There is no provision for 77 this in the Madras Act

(See Sect. 16 of Amending Act)

| Section. (1) | Sub-section or clause (2) | Subject (3) | Fine which may be imposed. (4) |
|---|---|---|---|
| 78 | (2) | Failure to comply with the notice for the destruction of rats, mice, etc. | Fifty rupees |
| 80 | .. | Failure to give instructions to the person having venereal disease and failure to furnish the required information. | Twenty rupees |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against breeding of mosquitoes. | Fifty rupees |
| 87 | .. | Permitting the deterioration of works relating to prevention of the breeding of mosquitoes. | Two hundred rupees |
| 88 | (1) | Injuring or destroying anti-mosquito works. | Five hundred rupees |
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | One ~~hundred~~ thousand rupees. |
| | (b) | Failure of factories, workshops, etc., to comply with restrictions imposed. | Five hundred rupees |
| 95 | .. | Illegal erection of building on insanitary ground. | Two hundred rupees |
| 97 | (2)and(3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling house. | Two hundred rupees |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Fifty rupees |
| | (b) | Causing or permitting a tenement to be overcrowded. | Fifty rupees |
| 101 | .. | Keeping a lodging house or receiving a lodger without registration. | One hundred rupees |
| 106 | (1) | Failure to affix notice | Ten rupees |
| | (2) | Refusal to allow free access to the executive authority, etc., to all parts of the ~~lodging~~ lodging house. | One hundred rupees |
| 108 | (1) | Selling, etc., unsound meat or food. | One hundred rupees |
| 109 | .. | Selling, etc., unsound meat or food through others. | One hundred rupees |
| 110 | .. | Consuming the flesh of any animal which has died of natural causes. | One hundred rupees |
| 111 | (1) | Unlawfully importing meat from outside the local area. | One hundred rupees |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | One hundred rupees |
| 114 | .. | Failure to furnish information regarding the sources of supply of milk or dairy produce. | Fifty rupees |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Two hundred rupees |

| Section. (1) | Sub-section or clause. (2) | Subject (3) | Fine which may be imposed. (4) |
|---|---|---|---|
| 119 | .. | Failure to inform the proper authority about the date and other particulars regarding fair or festival. | Fifty rupees. |
| 124 | .. | Failure to comply with notice to close or disinfect source of water-supply. | One hundred rupees |
| 125 | (1)and (3) | Accommodating visitors without license, or infringing conditions of licence. | Fifty rupees |

SCHEDULE II.

Penalties for continuing breaches.
[See section 135 (2).]

| | | | |
|---|---|---|---|
| 25 | (1) | Failure of the owner or other person having control to obey or comply with the directions contained in the notice requiring to keep any well,etc., in good repair, to cleanse it or protect,etc. | Ten rupees. |
| 27 | .. | Continuing to occupy a dwelling house or to permit its occupation without a supply of wholesome water. | Ten rupees. |
| 29 | (1) | Failure to comply with notice to provide efficient drainage. | Ten rupees. |
| 30 | .. | Failure to comply with notice requiring to connect a house drain with an outside drain. | Ten rupees |
| 31 | .. | Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land. | Twenty rupees. |
| 32 | .. | Failure to comply with notice for paving or raising the level of any court-yard,etc. | Ten rupees. |
| 33 | (2) | Failure to comply with notice requiring removal or closure of cesspool. | Ten rupees. |
| 35 | .. | Letting out sullage or sewage into a street, etc. | Ten rupees. |
| 36 | .. | Discharging injurious refuse, etc., into a drain. | Twenty rupees. |
| 37 | .. | Polluting water-course. | Ten rupees. |
| 39 | .. | Constructing or reconstructing a building intended for human habitation without a sanitary convenience. | Ten rupees |
| 40 | .. | Failure to comply with notice regarding provision of sanitary conveniences or latrines. | Ten rupees. |
| 41 | (2) | Failure to comply with notice requiring removal or improvement of latrines. | Ten rupees. |

| Section. (1) | Sub-section or clause. (2) | Subject. (3) | Fine which may be imposed. (4) |
|---|---|---|---|
| 45 | .. | Failure to comply with notice to abate nuisance. | Ten rupees. |
| 47 | .. | Failure to comply with Magistrate's order prohibiting the use of a house or building. | Twenty rupees. |
| 58 | (2) | Failure to comply with notice prohibiting the use of unwholesome water. | Twenty rupees. |
| 60 | .. | Exposing other persons to infection. | Five rupees |
| 61 | (a) | Infected persons carrying on trade in articles of food. | Ten rupees |
| | (b) | Infected persons engaging in other occupations without permit. | Ten rupees. |
| | .. | Failure to close lodging houses, etc. | Twenty-rupees. |
| | .. | Exposing other persons to infection. | Ten rupees. |
| 73 | (1) | Failure to comply with notice forbidding work in infected premises. | Ten rupees. |
| 77 | (2) | Failure to comply with any order or direction issued by the Deputy Commissioner or other officer. | One hundred rupees. |
| 78 | (1) | Failure to take steps for the destruction of rats, mice, etc. | Five rupees. |
| | (2) | Failure to comply with notice for the destruction of rats, mice, etc. | Five rupees. |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against the breeding of mosquitoes. | Ten rupees. |
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | Two hundred rupees. |
| | (b) | Failure of factories, workshops, etc.,to comply with restrictions imposed. | One hundred rupees. |
| 97 | (2) and (3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation; or permitting it to be let or occuplied as a dwelling house. | Fifty rupees. |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Twenty rupees. |
| | (b) | Causing or permitting a tenement to be overcrowded. | Twenty rupees. |
| 101 | .. | Keeping a lodging house or receiving a lodger without registration. | Fifty rupees. |
| 106 | (1) | Failure to affix notice | Five rupees. |
| | (2) | Refusal to allow free access to the executive authority,etc., to all parts of the lodging house. | Fifty rupees. |

| Section. (1) | Sub-section or clause. (2) | Subject. (3) | Fine which may be imposed. (4) |
|---|---|---|---|
| 108 | (1) | Selling, etc., unsound meat or food. | Twenty rupees. |
| 109 | .. | Selling, etc., unsound meat or food through others. | Twenty rupees. |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | Twenty rupees. |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Fifty rupees. |
| 124 | .. | Failure to comply with notice to close or disinfect source of water-supply. | Twenty-five rupees. |
| 125 | (1)and(3) | Accommodating visitors without licence or infringing conditions of licence. | Twenty rupees. |

Appendix F G-1]
R. A. & L. C.

SUBJECT.....

.....

.....

H

Section.

File No.

Serial No.

No. 3283-94 L-4
T. N. S. F.

Diary No. of letter replied to .....

To

General and Revenue Secretariat
R. A. & L. C.

( )

Date of issue 1. 11. 43

Signed by .....

Official Memorandum

A meeting of the Select Committee appointed to consider the Mysore Public Health Bill will be held at 1. P. M. on Thursday the 11th instant and, if necessary, at the same hour on Friday the 12th instant at the chambers of the Minister for Local Self-Government and Public Health, Old Public Offices Bangalore

By order

BVR

Secretary

List of enclosures .....

Copied by .....

Examined by .....

24
1-11-43

to the Select Committee

BVR 1/11

Forwarded to the following members of the Select Committee

Messrs. Belur Srinivasa Iyengar

" A.S. Mallappa

" L.S. Raju

" G.S. Nabrulla Sheriff

" C. Hayavadana Rao

" T. Madiah Gowda

" Dr. J.C.H. Ryan

" V.V. Monteiro

" C. Lakshmaiah Gowda

" C. Narayanaswamy Naidu

" K. Dhirmappa Naik

Mrs. Nagamma Srikantiah

Copy to 3295-98 LC dt 1.11.43

(1) RA & LC Office

(2) Office Branch

(3) President, the Mysore Legislative Council.

(4) P.A. to the Minister for L.S.G. and P.H

Appendix F G-1]
R. A. & L. C.

SUBJECT.....

Section.

File No.

Serial No.

No. 3313-24 L.C.

*Diary No. of letter replied to* .....

To

Official Memorandum

In modification of the Official Memorandum dated 1st November 1943 issued from this office, the meetings of the Select Committee on the Mysore public Health Bill will be held at 1 P.M. on Wednesday the 10th instant and, if necessary, on Thursday the 11th instant, instead of on the 11th and 12th instants.

General and Revenue Secretariat
R. A. & L. C.

( )

Date of issue 3.11.43

Signed by B.K.R.

By Order

BKR

Secretary

List of enclosures .....

Copied by .....

Examined by .....

Forwarded to the members of the

Select Committee

2 Copy forwarded to:

(a) R.A. & L.C. Office for making lunch arrangements for 15 members and deputing a reporter

(b) Office Branch for making seating arrangements in the Chambers of the Minister for L.S.G. and P.H.

(c) President, Legislative Council

(d) P.A. to Minister for L.S.G. & P.H

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 3313-24/L.C.

Office of the Secretary,
Mysore Legislative Council,
Dated Bangalore, 3rd November 1943.

OFFICIAL MEMORANDUM

In modification of the Official Memorandum No.3283-94/L.C. dated 1st November 1943, the Meetings of the Select Committee on the Mysore Public Health Bill will be held at 1 P.M. on Wednesday, the 10th November 1943, and if necessary on Thursday, the 11th November 1943, instead of on the 11th and 12th November 1943, in the Chambers of the Minister for Local Self-government and Public Health, Old Public Offices, Bangalore.

By Order,

B.K. Ramakrishnaiya

Secretary.

To

Appendix F G-1]
R. A. & L. C.

SUBJECT.....

Section.

File No.

Serial No.

No. 3894-903 LC

To

Diary No. of letter replied to .....

General and Revenue Secretariat
R. A. & L. C.

( )

Date of issue 23.11.43

Signed by .....

Very early as as to reach me at the latest on Saturday, the 27th inst.

Sir,

I am desired to forward herewith the draft report of the Select Committee on the Mysore Public Health Bill and to request that the same may kindly be returned with your approval before the ~~[illegible]~~ ~~at your earliest convenience~~ ~~next~~.

I have etc

Secretary

23-11-43

List of enclosures .....

Copied by .....

Examined by .....

Forwarded to:-

1. Mr. Belur Srinivasa Iyengar
2. " A.S. Mallappa
3. " L.S. Raju
4. " G.S. Nathulla Sheriff
5. " C. Hayavadana Rao

6. Mr. J. Madiah Gowda

7. Dr. V.V. Monteiro

8. Mr. C. Lakshmana Gowda

9. " C. Narayanaswami Naidu

10. " A. Bheemappa Naik

## MYSORE LEGISLATIVE COUNCIL.

### Report of the Select Committee on THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.-

CLAUSE 8:- In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local ~~Board~~ Body" may be added in the Bill, after sub-clause (19) as follows:-

"(20) 'Local Body' means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:-

"(8) 'Executive Authority' means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and ~~the~~ after the words "the Panchayat" the words "~~The~~ Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (32) as re-numbered a new sub-clause may be added as follows:-

"(33) 'Sanitary convenience' includes a latrine."

CLAUSE 4:- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be recast as follows:-

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be ~~substituted~~ constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work naminated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) & (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5:- In sub-clause (3) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6:- We recommend that at the end of sub-clause (1) of clause the following words may be added:-

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7:- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9:- We recommend that in sub-clause (2) for the words "The Mysore City, Town ~~or~~ and Minor Municipalities Acts or of the Mysore District Boards Acts", the words "any Act or Rule constituting a local ~~bodies~~ body" may be substituted.

CLAUSE 10:- In sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts 1933, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local ~~bodies~~ body" may be substituted.

CLAUSE 13:- We recommend that in sub-clause (1), after the word "Acts" the words " or Rule" may be inserted.

CLAUSE 16:- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17:- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

Boards Act" the words "any Act or Rule constituting a local ~~bodies~~ body" may be substituted.

CLAUSE 21:- In the explanation to sub-clauses (6) of Clause 21, we recommend that for items (b) & (c) the following item may be substituted:-

"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining or ~~improving~~ ~~improving~~ ~~in~~ improving any work for the supply of water levied under any Act or Rule constituting a local body."

CLAUSE 26:- We recommend that sub-clause (5) may be recast as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body, or to levy a water and drainage tax;

CLAUSE 29:- We recommend that in proviso (a) to sub-clause (1) clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

CLAUSE 47:- We recommend that at the end of Clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

CLAUSE 57:- We recommend that ~~in this clause and in clause 65~~ the words "village patel" may be substituted for the words "village headman".

CLAUSE 59:- We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

clause 65 — we recommend that the words "village patel" may be substituted for the words "village headman"

CLAUSE 95:- For the considerations discussed under clause 147, we recommend that sub-clause (2) may be omitted.

CLAUSE 108:- We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

CLAUSE 117:- We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

CLAUSE 127:- We recommend that for the words "or under the Mysore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

CLAUSE 128:- We recommend that for the words "every District Board or Panchayat", in sub-clause (1) the words "every local body other than a Municipal Council" ~~may be substituted~~, and for the words "municipality or district board or any panchayat or class of panchayats" in the proviso to this sub-clause the words "local bodies" be substituted.

CLAUSE 136:- We recommend that for the words "five hundred rupees" the words "two hundred rupees" may be substituted.

CLAUSE 137:- We are of the opinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

> "137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, section 45, section 67 or section 95 of this Act.
>
> (2). Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147:- We are of opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause(2) of clause 95 and that for clause ~~XX~~ 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative".

"147. All powers and duties conferred ~~on~~ or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, ~~or~~ notification or order and, subject to any repeal effected by, or other express provision, of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated 10th June 1963 in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

-=-=-=-=-=-

PR.

T Madiah Gowda 1414/LC

Member,
Mysore Legislative Council,

COUNCIL HALL,
~~Bangalore~~ Chikmagalur 27/11/1943.

Dear Sir,

I have herewith returned the draft report of the Select Committee on the Public Health Bill with my approval subject to a note enclosed.

Yours sincerely
Madiah Gowda
M.L.C.

To The Secretary,
Legislative Council
Bangalore

MYSORE LEGISLATIVE COUNCIL.

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Report of the Select Committee
on
THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.--

CLAUSE 3.- In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (33) as renumbered a new sub-clause may be added as follows:--

"(33) "Sanitary convenience" includes a latrine."

CLAUSE 4.- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be recast as follows:--

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

In sub-clause (5) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts, 1953, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

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CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

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"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body."

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"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

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CLAUSE 47 We recommend that at the end of Clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

CLAUSE 57. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

CLAUSE 65. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 95 For the considerations discussed under clause 147, we recommend that sub-clause (2) may be omitted.

CLAUSE 108 We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

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CLAUSE 136 We recommend that for the words "five hundred rupees" the words "two hundred rupees" may be substituted.

CLAUSE 137 We are of the opinion that a statutory x right of appeal should be given in this Bill in certain cases. We accordingly, recommend that for clause 137 the following clause may be substituted:-

"137(1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, section 45, section 67 or section 95 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed

CLAUSE 147

We are of opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order and, subject to any repeal effected by, or other express provision of this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated 16th June 1943 in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

Approved subject to a note enclosed herewith
S Madhava Rao
26/4/43

# A note

Under this Bill a good deal of power is vested in the Health Officer. His responsibities are also made equally heavy. Therefore it is necessary that persons appointed as Health Officers should have the status of an Asst. Commissioner.

No adequate financial provision is made to ensure the proper working of this enactment. The responsibilities of the Public Health Service are mostly shifted on to the Local Bodies. Many of the Local Bodies in Mysore are not in a position to bear the burden of the cost of providing suitable Public Health Service. In England when a similar enactment came into existence a block grant calculated as follows was made:—

(a) During the first four fixed grant periods there shall out of the General Exchequer Contribution for each year be apportioned to each county or county borough an amount equal to the appropriate percentage

of the losses on account of rates and grants of the County or county borough.

(b) During the first four fixed grant periods the residue, and thereafter the whole, of every General Exchequer contribution, shall each year be apportioned amongst the several counties and County boroughs in proportion to their weighted population (The 'weighted population' is the estimate population increased, calculated by certain factors).

Similarly under this Bill if certain annual contributions are not assured by the Govt. out of the General Revenue. The effective administration of the public Health Service cannot be achieved. With a view that this enactment may effectively serve the purpose for which it is intended, there should be a provision in the enactment for constituting of a public Health Fund composed of Govt. grant, percentage allotment out of the local cess, etc.

Thos Drake) ann

O. S. N. SHERIFF,
ADVOCATE.

Dr. OMAR SHERIFF ROAD,
BASAVANGUDI P. O.

Bangalore City, 27th Nov. 1943.

The Secretary,
Mysore Legislative Council,
Bangalore City.

Dear Sir,

Re: No.3894-903/L.C.

I am in receipt of your letter dated 23-11-43 along with the enclosure.

While approving the said draft report of the Select Committee on the Mysore Public Health Bill, I invite your kind attention to the following matters:-

In clauses IX, X, XII and XVII of the draft report the words "any Act, or Rule constituting a Local Body" appear. Please examine whether by a rule a local body could be constituted; I am certain that a local body could be constituted by an Act but it is doubtful whether it could be brought into existence by a rule.

Under clause 137 (1) it appears to read better if it is stated, given under the following sections and then specifying them by their numbers, rather than repeating the word section a number of times as in the proposed draft.

I have merely offered these suggestions for consideration. I return the copy of the draft report.

Thanking you,

I remain
Yours sincerely,

Member of the Select Committee.

MYSORE LEGISLATIVE COUNCIL.

---

Report of the Select Committee
on
THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.--

CLAUSE 3.- In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionery of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (32) as renumbered a new sub-clause may be added as follows:--

"(33) "Sanitary convenience" includes a latrine."

CLAUSE 4.- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be recast as follows:--

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) The Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

In sub-clause (3) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts, 1953, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 13.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

Boards Act" the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 21. In the explanation to sub-clause (6) of Clause 21, we recommend that for items (b) & (c) the following item may be substituted:-

"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body."

CLAUSE 26 We recommend that sub-clause (5) may be recast as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

CLAUSE 29 We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

CLAUSE 47 We recommend that at the end of Clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

CLAUSE 57. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

CLAUSE 65. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 95 For the considerations discussed under clause 147, we recommend that sub-clause (2) may be omitted.

CLAUSE 108 We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

CLAUSE 117 We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

CLAUSE 127 We recommend that for the words "or under the Mysore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

CLAUSE 128 We recommend that for the words "every District Board or Panchayat" the words "every local body other than a Municipal Council" may be substituted.

CLAUSE 136 We recommend that for the words "five hundred rupees" the words "two hundred rupees" may be substituted.

CLAUSE 137 We are of the opinion that a statutory x right of appeal should be given in this Bill in certain cases. We accordingly, recommend that for clause 137 the following clause may be substituted:-

"137(1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, section 45, section 67 or section 36 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147

We are of opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order and, subject to any repeal effected by, or other express provision of this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated 16th June 1943 in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

14382c

MYSORE LEGISLATIVE COUNCIL

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Report of the Select Committee

on

THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.--

In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (32) as renumbered a new sub-clause may be added as follows:--

"(33) 'Sanitary convenience' includes a latrine."

CLAUSE 4.- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be recast as follows:--

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5.- In sub-clause (3) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 8.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City Town and Minor Municipalities Acts, 1953, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 15.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

Boards Act" the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 21. In the explanation to sub-clause (6) of Clause 21 we recommend that for items (b) & (c) the following items may be substituted:-

"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body."

CLAUSE 26. We recommend that sub-clause (5) may be recast as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

CLAUSE 29. We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

CLAUSE 47. We recommend that at the end of Clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

CLAUSE 57. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

CLAUSE 65. We recommend that the words "Village Patel" may be substituted for the words "village headman".

CLAUSE 85. For the considerations discussed under clause 147, we recommend that sub-clause (1) may be omitted.

CLAUSE 108. We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

CLAUSE 117. We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

CLAUSE 127 We recommend that for the words "or under the My ore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

CLAUSE 128 We recommend that for the words "every District Board or Panchayat", the words "every local body other than a Municipal Council" may be substituted.

CLAUSE 136 We recommend that for the words "five hundred rupees the words "two hundred rupees" may be substituted.

CLAUSE 137. We are of theopinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

"137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, Section 45 section 67 or section 95 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147

We are of the opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order, and subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

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Approved
D Malleppa
29-11-63

OFFICE OF THE SECRETARY
30 NOV 1963
LEGISLATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Returned without Sanction 28 Nov

1394/Le

[illegible]

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[illegible] report of the Select Committee [illegible]

[illegible] LOCAL HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Lyttelton Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed hereto.--

In some areas in Districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Road Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have [illegible] recommendations for suitable amendments bearing on the several clauses of the Bill. We also recommend the definition of "Local Body" [illegible] in the Bill, [illegible] sub-clause (iv) as follows:--

"(10) 'Local Body' means a District Board, Municipal Council, Sanitary Board or Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses ( ) and (v) [illegible] be substituted by the following sub-clauses:--

"([illegible]) 'Executive Authority' means the Mayor, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or Ordinance constituting the local authority."

"([illegible]) 'Executive Officer' means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Ordinance.

e recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

e recommend that after sub-clause (32) as renumbered a new sub-clause may be added as follows:--

"(33) 'sanitary convenience' includes a latrine."

CLAUSE 4.- e are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. e, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be redrafted as follows:--

(1) s soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5.- In sub-clause (3) of clause 5 for the words "or a membe we recommend that the words "or any member" may be substitu

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (32) as renumbered a new sub-clause may be added as follows:--

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(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5.- In sub-clause (3) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 1(7), we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in the places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City Town and Minor Municipalities Acts, 1953, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 15.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

[illegible] "act" the words "any act or rule constituting a local body" may be substituted.

Clause [illegible]. In the explanation to sub-clause (3) of Clause [illegible], we recommend that for its (a) & (c) the following lines may be substituted:-

"(b) [illegible] water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any act or rule constituting a local body."

Clause [illegible]. We recommend that sub-clause (5) may be redrafted as follows:-

"(5) Nothing contained in this section shall be deemed to affect the powers of any local body."

Clause 29. We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

Clause 47. We recommend that at the end of clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

Clause 57. We recommend that the words "village patel" may be substituted for the words "village headman".

Clause 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

Clause [illegible]. We recommend that the words "Village Patel" may be substituted for the words "village headman".

Clause 70. For the considerations discussed under clause 147, we recommend that sub-clause ( ) may be omitted.

Clause 108. We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

Clause 117. We recommend that in the proviso to sub-clause (1) for the words "four annas", the words "two annas for every person" may be substituted.

Clause 127 We recommend that for the words "or under the Mysore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Acts," the words "or under any Act or rule constituting a local body" may be substituted.

Clause 128 We recommend that for the words "every District Board or Panchayat", the words "every local body other than a Municipal Council" may be substituted.

Clause 136 We recommend that for the words "five hundred rupees" the words "two hundred rupees" may be substituted.

Clause 137. We are of theopinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

"137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 30, section 40, section 41, section 45 section 67 or section 33 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

Clause 147

We are of the opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order, and subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the Official Gazette dated
English and Hannaka.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

14 Grosvenor Gdns
S.W.1
24/11/43

The Secretary 1400/Lic
Myre Legislative Council
Darwin

Dear Sir

Select Com. Abt on Myre
Pub. Health Bill

Your No. 3894-903/25
of 23rd November

The Deputy Speaker
thanks all bills &
returns herewith.

Yours faithfully
C. Fitzpatrick

MYSORE LEGISLATIVE COUNCIL.

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Report of the Select Committee
o n
THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.--

CLAUSE 3.- In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionery of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

MYSORE LEGISLATIVE COUNCIL.

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Report of the Select Committee
o n
THE PUBLIC HEALTH BILL.

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We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

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"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) The Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
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(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5.- In sub-clause (3) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 13.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

Boards Act" the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 21. In the explanation to sub-clause (6) of Clause 21, we recommend that for items (b) & (c) the following item may be substituted:-

"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body."

CLAUSE 26 We recommend that sub-clause (5) may be recast as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

CLAUSE 29 We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

CLAUSE 47 We recommend that at the end of Clause 47 the following words may be added:-

'and the Magistrate shall, after enquiry, pass such order as he deems fit."

CLAUSE 57. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

CLAUSE 65. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 95 For the considerations discussed under clause 147, we recommend that sub-clause (2) may be omitted.

CLAUSE 108 We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

CLAUSE 117 We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

CLAUSE 127 We recommend that for the words "or under the Mysore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

CLAUSE 128 We recommend that for the words "every District Board or Panchayat" the words "every local body other than a Municipal Council" may be substituted.

CLAUSE 136 We recommend that for the words "five hundred rupees" the words "two hundred rupees" may be substituted.

CLAUSE 137 7 We are of the opinion that a statutory right of appeal should be given in this Bill in certain cases. We accordingly, recommend that for clause 137 the following clause may be substituted:-

"137(1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, section 45, section 67 or section 95 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147

We are of opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order and, subject to any repeal effected by, or other express provision of this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

24/11/43

No. 390 Office of the Advocate-General
in Mysore,
Bangalore, dated 24th Nov. 1943.

1395/L.C.

From

C. Lakshmana Gouda, Esq., B.A., B.L.,
Advocate-General in Mysore,
and Member, Mysore Legis. Council,
Bangalore.

To

The Secretary,
Mysore Legislative Council,
Bangalore.

Sir,

I have the honor to return herewith, duly approved, the draft report of the Select Committee on the Mysore Public Health Bill, received with your letter No. 3894-903/L.C., dated 23rd November 1943.

I have the honor to be,

Sir,

Your most obedient servant,

C. Lakshmana Gouda

Advocate-General.

H.

MYSORE LEGISLATIVE COUNCIL

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Report of the Select Committee

on

THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.--

Cl. 13.- In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (32) as renumbered a new sub-clause may be added as follows:--

"(33) 'Sanitary convenience' includes a latrine."

CLAUSE 4.- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be recast as follows:--

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5.- In sub-clause (3) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

USE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

AUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Boards or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

AUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

USE 10.- In sub-clause (2) for the words "The Mysore City Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

SE 15.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

E 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

E 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

Boards Act" the words "any Act or Rule constituting a local body" may be substituted.

Clause 41. In the explanation to sub-clause (6) of Clause 41, we recommend that for items (b) & (c) the following items may be substituted:-

"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining, or improving any work for the supply of water levied under any Act or Rule constituting a local body."

CLAUSE 96. We recommend that sub-clause (5) may be recast as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

Clause 29. We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

Clause 47. We recommend that at the end of Clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

Clause 57. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

Clause 65. We recommend that the words "Village Patel" may be substituted for the words "village headman".

Clause 85. For the considerations discussed under clause 147, we recommend that sub-clause (1) may be omitted.

CLAUSE 108. We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

CLAUSE 117. We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

CLAUSE 127 We recommend that for the words "or under the Mysore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

CLAUSE 133 We recommend that for the words "every District Board or Panchayat", the words "every local body other than a Municipal Council" may be substituted.

CLAUSE 136 We recommend that for the words "five hundred rupees the words "two hundred rupees" may be substituted.

CLAUSE 137. We are of theopinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

"137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 30, section 40, section 41, Section 45 section 67 or section 85 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147

We are of the opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 93 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred ~~ex~~ or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order, and subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated
English and Kannada

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

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Approved. Chelmsford
24.11.1943

1385/L.C.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

OFFICE OF THE SECRETARY,
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL,

No.3894-903/L.C. Bangalore Dated 23rd Nov 1943
Enc.1

FROM

The Secretary,
Representative Assembly and Legislative Council.

OFFICE OF THE SECRETARY 1943 REPRESENTATIVE ASSEMBLY

To

C.Narayanaswamy Naidu, Esq., B.A., B.L.,
Member, Legislative Council and
Law Secretary to Government.

SIR,

I am desired to forward herewith the draft report of the Select Committee on the Mysore Public Health Bill and to request that the same may kindly be returned with your approval very early so as to reach me at the latest on Saturday the 27th instant.

I have the honour to be,
Sir,
Your most obedient servant,

B.Ramakrishnaiya

Secretary,
Representative Assembly &
Legislative Council.

AS/23.

SECY. LAW DEPT. P.H. 24 NOV. 1943 97. GOVT OF MYSORE

Approved
24.11.43

(Sd) [illegible]

BXR 24.11.43

[illegible]

Report of the Select Committee

on

[illegible] BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our report, with the Bill, as amended by us, annexed thereto.--

In some areas in districts, Sanitary Boards or Town Councils have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Bodies. We are of the opinion that these Sanitary Boards and Town Councils should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Council."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses ( ) and (v) may be substituted by the following sub-clauses:--

"(u) 'Executive Authority' means the Commissioner, President, or other Functionary of the local Authority concerned, who is vested with general executive powers under the Act or Rule constituting the local Authority."

"(v) "Executive Officer" means the paid officer, if any, of the local Authority, who is vested with general executive powers in the local area in which such Authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (1) after the words 'a Panchayat' the words 'a Sanitary Board or Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (33) as renumbered a new sub-clause may be added as follows:--

"(33) 'Sanitary convenience' includes a latrine."

We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be redrafted as follows:--

(1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (b) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

Clause 5.- In sub-clause (b) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 3 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts, 1953, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 15.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

[illegible] the words "any Act or Rule constituting a local body" may be substituted.

Clause [illegible]. In the [illegible] sub-clause (b) of clause 1, we recommend [illegible] (a) & (c) the following may be substituted:-

"(b) a water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water having under any Act or Rule constituting a local body."

Clause 23. We recommend that sub-clause (5) may be [illegible] as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

Clause 26. We recommend that in proviso (a) to sub-clause (1) of clause 26 for the words "one hundred [illegible]" words "fifty [illegible]" may be substituted.

Clause 47. We recommend that at the end of clause 47 the following may be added:-

"and the Magistrate shall, after [illegible] such order as he deems fit."

Clause 57. We recommend that the words "village [illegible]" may be substituted for the words "village headman".

Clause 58. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

Clause 63. We recommend that the words "Village [illegible]" may be substituted for the words "village [illegible]".

Clause 86. For the considerations discussed under [illegible] sub-clause (1) may be [illegible]

138. We recommend that in items (a) and (b) of sub-clause (1) of clause 138 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

Clause 117. We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

Clause 137 We recommend that for the words "or under the City or Town and Minor Municipalities Acts, 1923, or the City or District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

Clause 121 We recommend that for the words "every District Board or Panchayat", the words "every local body other than a Municipal Council" may be substituted.

Clause 136 We recommend that for the words "five hundred rupees" the words "two hundred rupees" may be substituted.

Clause 137. We are of the opinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

"137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 20, section 38, section 40, section 41, Section 45 section 67 or section 24 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147

We are of ~~the~~ opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 25 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred ~~on~~ or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order, and subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

1461/L.C.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

OFFICE OF THE SECRETARY,
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL,

No.3894-903/L.C. Bangalore Dated 23rd Nov. 1943.
Enc.one

FROM

*The Secretary,*
*Representative Assembly and Legislative Council.*

To

Belur Srinivasa Iyengar, Esq., B.A., B.L.,
Member, Legislative Council,
Bangalore City.

SIR,

I am directed to forward herewith the draft report of the Select Committee on the Mysore Public Health Bill and to request that the same may kindly be returned with your approval, very early so as to reach me at the latest on Saturday the 27th instant.

I have the honour to be,
Sir,
Your most obedient servant,

B.K. Ramakrishnaiya
Secretary,
Representative Assembly and
Legislative Council.

AS/23.

MYSORE LEGISLATIVE COUNCIL

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Report of the Select Committee

o n

THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.--

CLAUSE3.- In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionery of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'A Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (32) as renumbered a new sub-clause may be added as follows:--

"(33) 'Sanitary convenience' includes a latrine."

CLAUSE 4.- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be recast as follows:--

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5.- In sub-clause (3) of clause 5 for the words "or a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Board or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or o the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 13.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

Boards Act" the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 21. In the explanation to sub-clause (6) of Clause 21, we recommend that for items (b) & (c) the following item may be substituted:-

"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body."

CLAUSE 26. We recommend that sub-clause (5) may be recast as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

CLAUSE 29. We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

CLAUSE 47. We recommend that at the end of Clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

CLAUSE 57. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

CLAUSE 65. We recommend that the words "Village Patel" may be substituted for the words "village headman".

CLAUSE 95. For the considerations discussed under clause 147, we recommend that sub-clause (2) may be omitted.

CLAUSE 108. We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

CLAUSE 117. We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

CLAUSE 127 We recommend that for the words "or under the Mysore City, Town and Minor Municipalities Acts, 1938, or the Mysore District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

CLAUSE 128 We recommend that for the words "every District Board or Panchayat", the words "every local body other than a Municipal Council" may be substituted.

CLAUSE 136 We recommend that for the words "five hundred rupees the words "two hundred rupees" may be substituted.

CLAUSE 137. We are of theopinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

> "137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, section 45 section 67 or section 95 of this Act.
>
> (2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147

We are of ~~the~~ opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred ~~or~~ or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order, and subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

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27/11/43

1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

GOVERNMENT OF MYSORE. 1464/Lc

OFFICE OF The Senior Surgeon in Mysore
Bangalore.

No. Lc.202-1 Date 1.12.43.
Enc:-one

To The Secretary,
Representative Assembly and
Legislative Council,
Bangalore

Sir,

I have the honor to return herewith, duly approved, the draft report of the Select Committee on the Mysore Public Health Bill, received with your letter No.3894-903 dated 2nd November 1943.

I have the honor to be,
Sir,
Your most obedient servant,

Senior Surgeon.

OFFICE OF THE SECRETARY
1943
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

[illegible] THE [illegible] BILL

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Report of the Select Committee

on

THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our report, with the Bill, as amended by us, annexed thereto.--

In some places in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of those areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses ( ) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (ii) after the words 'a Panchayat' the words 'a Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words "Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (33) as renumbered new sub-clause may be added as follows:--

"(33) 'Sanitary convenience' includes a latrine."

CLAUSE 4.- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be redrafted as follows:--

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

CLAUSE 5.- In sub-clause (3) of clause 5 for the words "for a member", we recommend that the words "or any member" may be substituted.

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Boards or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

We recommend that in sub-clause (3) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

In sub-clause (4) for the words "The Mysore City, Town and Minor Municipalities Acts, 1903, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 15.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

words "any act or rule constituting a local body" may be substituted.

In the opinion of sub-clause (b) to clause 1, we recommend that for items (b) to (e) the following items may be substituted:-

"(b) water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any act or rule constituting a local body."

Clause 26. We recommend that sub-clause (b) may be recast as follows:-

"(b) Nothing contained in this section shall be deemed to affect the power of any local body."

Clause 29. We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred rupees" the words "fifty rupees" may be substituted.

Clause 47. We recommend that at the end of clause 47 the following words may be added:-

"and the magistrate shall, after enquiry, pass such order as he deems fit."

Clause 67. We recommend that the words "village patel" may be substituted for the words "village headman".

We recommend that in sub-clause (3) the words "or of the health officer" may be omitted.

We recommend that the words "village patel" may be substituted for the words "village headman".

For the consideration discussed under clause 147, we recommend that sub-clause (2) may be omitted.

Clause 108. We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

Clause 117. We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

Clause 127 We recommend that for the words "or under the Madras City, Town and Minor Municipalities Acts, 1933, or the Madras District Boards Act," the words "or under any Act or rule constituting a local body" may be substituted.

Clause 132 We recommend that for the words "every District Board or Panchayat", the words "every local body other than a Municipal Council" may be substituted.

Clause 136 We recommend that for the words "five hundred rupees" the words "two hundred rupees" may be substituted.

Clause 137. We are of the opinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

"137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 32, section 33, section 40, section 41, section 45 section 67 or section 85 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

CLAUSE 147

We are of the opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (2) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

"Powers of Act to be cumulative."

"147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order, and subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated in English and Hannaea.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

OFFICE OF THE SECRETARY,
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL,

No. 3894-903/L.C.
L.C.

*Bangalore Dated* 23rd Nov. 3 *194*

FROM

*The Secretary,*
*Representative Assembly and Legislative Council.*

To

A. Bheemappa Naik, Esq., B.A.,
Member, Legislative Council, Chitaldrug.

SIR,

I am desired to forward herewith the draft report of the Select Committee on the Mysore Public Health Bill and to request that the same may kindly be returned with your approval very early so as to reach me at the latest on Saturday the 27th instant.

I have the honour to be,
Sir,
Your most obedient servant,

B K Ramakrishnaiya

Secretary,
Representative Assembly &
Legislative Council.

/23.

The enclosed bill is approved & returned with compliments to the Secretary R A & L C.

A Bheemappa
M L C.

1.12.23

MYSORE LEGISLATIVE COUNCIL

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Report of the Select Committee

on

THE PUBLIC HEALTH BILL.

We, the undersigned members of the Select Committee, to which the Mysore Public Health Bill was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.--

CLAUSE 3.- In some areas in districts, Sanitary Boards or Town Boards have been constituted and jurisdiction in respect of these areas have been transferred from the District Board concerned to these other Boards. We are of the opinion that these Sanitary Boards and Town Boards should be included in the relative provisions of this Bill. We have made our recommendations for suitable changes when dealing with the several clauses of the Bill. We also recommend that the definition of "Local Body" may be added in the Bill, after sub-clause (19) as follows:--

"(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board."

The other sub-clauses may be renumbered suitably.

We recommend that sub-clauses (8) and (9) may be substituted by the following sub-clauses:--

"(8) 'Executive Authority' means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority."

"(9) "Executive Officer" means the paid officer, if any, of the local authority, who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

We recommend that in item (b) in sub-clause (19) after the words 'a Panchayat' the words 'A Sanitary Board or a Town Board', and after the words "the Panchayat" the words "Sanitary Board or Town Board" may be inserted; and in item (c) of the same sub-clause, after the word "Panchayat" the words 'Sanitary Board or Town Board" may be inserted.

We recommend that after sub-clause (32) as renumbered a new sub-clause may be added as follows:--

"(33) 'Sanitary convenience' includes a latrine."

CLAUSE 4.-- We are of opinion that the constitution of the Public Health Board should be such as to include the Senior Surgeon and provide for election, instead of nomination, of members of the two Chambers of Legislature. We, accordingly, recommend that sub-clauses (1) and (2) of clause 4 may be recast as follows:--

"4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board, consisting of the following members, namely,-

(a) the Minister in charge of Public Health,
(b) the Senior Surgeon in Mysore,
(c) two members of the Legislative Council elected by it,
(d) two members of the Representative Assembly elected by it,
(e) two persons who have had experience in public health work nominated by the Government,
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election."

In sub-clause (3) for the words "Minister for Public Health" we recommend that the words "Minister in charge of Public Health" may be substituted.

In sub-clause (3) of clause 5 for the words "or a member" we recommend that the words "or any member" may be substituted

CLAUSE 6.- We recommend that at the end of sub-clause (1) of clause 6 the following words may be added:--

"and may from time to time give such directions as it may deem necessary."

For the reasons which we have stated under clause 147, we recommend that sub-clause (3) of clause 6 may be omitted.

CLAUSE 7.- In sub-clause (1) after the word "Panchayat" we recommend that the words "Sanitary Boards or Town Board" may be added.

We recommend that in sub-clause (2) after the word "Panchayat" in two places where it occurs, the words "or Sanitary Board or Town Board or Boards" may be inserted.

CLAUSE 9.- We recommend that in sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts or of the Mysore District Boards Act", the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 10.- In sub-clause (2) for the words "The Mysore City, Town and Minor Municipalities Acts, 1953, or the Mysore District Boards Act, 1926", the words "any Act, or Rule constituting a local body" may be substituted.

CLAUSE 15.- We recommend that in sub-clause (1), after the word "Acts" the words "or Rule" may be inserted.

CLAUSE 16.- We recommend that the words "in the opinion of the Director of Public Health" may be omitted.

CLAUSE 17.- We recommend that for the words "The Mysore City, Town and Minor Municipalities Acts, the Mysore District

Boards Act" the words "any Act or Rule constituting a local body" may be substituted.

CLAUSE 21. In the explanation to sub-clause (6) of Clause 21, we recommend that for items (b) & (c) the following item may be substituted:-

"(b) A water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body."

CLAUSE 26. We recommend that sub-clause (5) may be recast as follows:-

"(5) Nothing contained in this section shall be deemed to affect the power of any local body."

CLAUSE 29. We recommend that in proviso (a) to sub-clause (1) of clause 29 for the words "one hundred feet" the words "fifty feet" may be substituted.

CLAUSE 47. We recommend that at the end of Clause 47 the following words may be added:-

"and the Magistrate shall, after enquiry, pass such order as he deems fit."

CLAUSE 57. We recommend that the words "village patel" may be substituted for the words "village headman".

CLAUSE 59. We recommend that in sub-clause (3) the words "or of the Health Officer" may be omitted.

CLAUSE 65. We recommend that the words "Village Patel" may be substituted for the words "village headman".

CLAUSE 95. For the considerations discussed under clause 147, we recommend that sub-clause (2) may be omitted.

CLAUSE 108. We recommend that in items (a) and (b) of sub-clause (1) of clause 108 after the words "prepare for sale" in the two places where they occur, the words "or give or distribute" may be inserted.

CLAUSE 117. We recommend that in the proviso to sub-clause (2) for the words "four annas", the words "two annas for every person" may be substituted.

CLAUSE 127 We recommend that for the words "or under the Mysore City, Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Acts," the words "or under any Act or Rule constituting a local body" may be substituted.

CLAUSE 128 We recommend that for the words "every District Board or Panchayat", the words "every local body other than a Municipal Council" may be substituted.

CLAUSE 136 We recommend that for the words "five hundred rupees the words "two hundred rupees" may be substituted.

CLAUSE 137 We are of theopinion that a statutory right of appeal should be given in this Bill in certain cases. We, accordingly, recommend that for clause 137 the following clause may be substituted:-

> "137 (1). An appeal shall lie to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, Section 45 section 67 or section 95 of this Act.
>
> (2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed."

Cl. 147

We are of the opinion that powers given under this Bill should be in addition to and not in derogation of powers which may be conferred by other enactments. We accordingly recommend that sub-clause (3) of clause 6 may be omitted as well as sub-clause (2) of clause 95 and that for clause 147 the following clause may be substituted, namely:-

'Powers of Act to be cumulative."

"147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order, and subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed."

The Bill was published, as required by the rules, in the official Gazette dated in English and Kannada.

We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

THE MYSORE LEGISLATIVE COUNCIL

December Session, 1943.

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Amendments to the Mysore Public Health Bill

(Provisionally admitted)
Date of receipt of notice - 6th December 1943.
To be taken up after consideration motion is carried.

By Shafiq-ul-Mulk Khan Bahadur Mahomed Abbas Khan,
Member, Legislative Council.

....

I. Add as sub-clause (4) to clause 5 of the Bill the following :-

"It will be competent for any two members of the Board to move propositions in regard to public health in Mysore and the working of the Mysore Public Health Act and call for a meeting of the Board for their consideration."

II. In clause 6 of the Bill in the first line after the words "shall have power to" delete the words "inspect, control and superintend" and insert in their stead the word "control".

III. In sub-clause (1) of clause 9 of the Bill in the second line after the word "Government" the following shall be added:-

"In consultation with the concerned local authority".

IV. At the foot of clause 10 the following proviso be added:-

"No orders under (a) and (b) of sub-clause (2) shall be issued unless the opinion of the concerned local body is obtained previously."

V. In sub-clause (2)(a) of clause 15 at the end delete the words "executive authority" and insert in lieu thereof "local authority".

VI. In sub-clause (2)(b) of clause 15 delete the words "executive authority" in the first and third lines and insert in their stead "local authority".

VII. In clause 27 of the Bill after the words "be occupied" in the fourth line delete the remaining portion of the clause and insert in lieu thereof "if in the opinion of the Health Officer of the local authority concerned, there is no scope

for securing wholesome water sufficient for the domestic purpose of the inmates of the house within a reasonable distance therefrom."

VIII. In clause 34 of the Bill after the words "occupied" in the third line delete the remaining portion of the clause and insert in its stead the following:-

> "If in the opinion of the Health Officer the building has not been provided with sufficient means of drainage."

B. K. RAMAKRISHNAIYA,

Secretary,
Legislative Council.

Bs/4.

THE MYSORE LEGISLATIVE COUNCIL,

December Session, 1943.

Notes on Amendments
to the
MYSORE PUBLIC HEALTH BILL.

Certain amendments have been tabled by Mr. MAHOMED ABBAS KHAN to the Mysore Public Health Bill. The following Note is put up in respect of them:

1) Under clause 5 (2) of the Bill, the meetings of the Board and the mode of transaction of business have to be governed by regulations to be framed by the Board. The matter now sought to be incorporated as clause 5 (4) can be the subject of regulations which the Board could frame under clause 5 (2).

The amendment is unnecessary.

2) The Government can exercise control effectively only if they have also got the power of inspection and superintendence. The amendment will not really help local authorities, as the Member perhaps expects.

The amendment cannot be accepted.

3) Before Government pass orders about the scale on which the Public Health establishment of any Local Authority should be constituted, they will naturally consult the Local Authority. A provision to this effect in the Bill serves no purpose, as it will not legally limit the powers of Government otherwise available under this clause. The amendment appears unnecessary.

4) For the same reasons stated under item (3), this amendment cannot also be accepted.

5) "Executive authority" is defined in the Bill itself as "the functionary of a Local Authority vested with powers under the Act constituting the Local Authority." The amendment serves no purpose.

6) For the same reasons as stated under item (5), this amendment has also to be negatived.

7) The result of this amendment would be that the owner of a dwelling house can occupy it or permit it to be occupied with impunity till such time as the Health Officer gives his opinion that there is no scope for securing water This will lead to an impossible state of affairs since it will entail upon the Health Officer the duty of examining every case of tenancy before such tenancy becomes unlawful under the provisions of this clause. As the clause stands, the duty is cast upon the owner and it is rightly cast to obtain a certificate before he occupies it. This amendment has to be opposed.

8) The same arguments apply as in the case of item (7) and the amendment cannot be accepted.

## 11. THE MYSORE PUBLIC HEALTH BILL.

### Statement of Principles.

The proposal to introduce public health legislation in Mysore on the lines of the Madras Public Health Act, 1939, has been under the consideration of the Government for some time. The Central Advisory Board of Health of the Government of India has stressed the need for passing public health Acts on the lines of the Madras Act. The view that suitable alterations to Acts governing local bodies would serve the purpose of advancing public health in Mysore has therefore been given up and a Bill has been drafted which is compact and self-contained. The existing Acts are left unaltered as far as possible. The advantage of an independent measure containing all the provisions which are essential for the advancement of public health are too wellknown to be mentioned. The present Bill follows the Madras Act.

Some of the provisions like those relating to mosquito control, abatement of over-crowding and venereal diseases have been of a somewhat advanced character and provision is made in the Bill to extend these provisions from time to time to such localities as may be ripe for them.

The salient features of the Bill are as follows :--

(1) The constitution of a Public Health Board for Mysore State (Section 4) ;

(2) The statutory recognition of the Director of Public Health and the vesting of adequate powers in him for the effective discharge of his duties (Sections 6, 8 and 14) ;

3) The taking of power—

(*a*) to compel the employment of Health Officers by important local authorities (Section 10) ; and

(*b*) to fix the scales and the conditions of service of the public health establishments employed by local authorities (Section 9) ;

(4) Provision that local authorities should earmark a definite percentage of their income for public health expenditure (Section 128) ;

(5) The imposition of an obligation on local authorities at the discretion of the Government to provide a sufficient supply of drinking water ; and provision for the compulsory levy of a water tax for financing water supply schemes (Sections 18 and 26) ;

(6) Effective provisions for securing proper drainage, and a sufficient number of public latrines, etc. (Sections 28-41) ;

(7) The prevention and abatement of nuisances (Sections 42-52) ;

(8) Adequate measures for the prevention and eradication of infectious diseases (Sections 79-81) ;

(9) The prevention, treatment and control of venereal diseases (Sections 79-81) ;

(10) Maternity and child welfare measures (Section 83) ;

(11) Mosquito Control (Sections 84-89) ;

(12) The reservation of areas for residential purposes ; control over insanitary buildings and the abatement of over-crowding (Sections 90-100) ;

(13) Registration of lodging houses (Sections 101-107) ;

(14) Food Control (Sections 108-115) ; and

(15) Special provisions regarding fairs and festivals, including the levy of a pilgrim tax and of tolls on vehicles (Sections 116-126).

# THE MYSORE PUBLIC HEALTH BILL.

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# THE MYSORE PUBLIC HEALTH BILL.

## A Bill to make provision for advancing the Public Health of the State of Mysore.

WHEREAS it is expedient to make provision for advancing the public health of Mysore; it is hereby enacted as follows:—

### CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1) This Act may be called the Mysore Public Health Act, 194...

(2) It extends to the whole of Mysore.

Commencement.

2. (1) The provisions of this Act, except Chapter IX and Part III of Chapter X, shall come into force in the whole of Mysore at once.

(2) The Government may, from time to time, by notification, extend all or any of the provisions of Chapter IX to any local area in Mysore, and may cancel or modify any such notification.

Definitions.

(3) (*a*) The provisions of Part III of Chapter X shall come into force at once—

(i) in the cities of Bangalore and Mysore; and

(ii) in every local area which has been, or may hereafter be, declared to be a municipality under Mysore Town and Minor Municipalities Acts, 1933.

(*b*) The Government may, from time to time, by notification, extend the provisions of Part III of Chapter X to any other local area in Mysore and may cancel or modify any such notification.

3. In this Act, unless there is anything repugnant in the subject or context—

(1) "Building" includes—

(*a*) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(*b*) a structure on wheels or simply resting on the ground without foundations; and

(*c*) a boat, tent, van and any other such structure used for human habitation.

(2) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and the young ones of these species.

(3) "Dairy" includes—

(*a*) any farm, cattle-shed, milk-store, milk-shop or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, butter-milk, or dried, sterilized or condensed milk; and

(*b*) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk, but does not include—

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place.

(4) "Dairyman" includes any person who sells milk, whether wholesale or by retail.

(5) "Drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water.

(6) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.

(7) "Dwelling house" means a building coustructed used or adapted to be used, wholly or principally, for human habitation or in connexion therewith.

(8) "Executive Authority" means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Mysore City Municipalities, Act, 1933, the Mysore Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Act, 1926, as the case may be.

(9) "Executive Officer" means the paid officer, if any, of the local authority who is vested with general executive powers in the local area for which such authority is constituted under the Mysore City Municipalities Act, 1933, or the Mysore Town and Minor Municipalities Acts, 1933, or the Mysore District Boards Act, 1926, as the case may be.

(10) "Factory" means any premises including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency.

(11) "Filth" means—

(*a*) night-soil and other contents of latrines, cesspools and drains;

(*b*) dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(*c*) putrid and putrefying substances.

(12) "Food" includes every article consumed or used by man, for food, drink, or chewing, and all materials used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments.

(13) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the district.

(14) "House-drain" means any drain actually used, or intended to be used, for the drainage of one or more premises.

(15) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch, or metallic sheets, and includes any temporary structure of whatever size or any small building of whatever material made, which the local authority may declare to be a hut for the purposes of this Act.

(16) "Infectious disease" means an infectious disease as defined in section 53 and includes notified disease as defined in section 63.

(17) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flush-out.

(18) "Local area" means the area within the jurisdiction of a local authority.

(19) "Local authority" means—

(*a*) in any municipal area, the municipal council concerned;

(*b*) in any area in a district, which is comprised within the jurisdiction of a panchayet, the panchayet concerned, or if under section 7 the Government so direct in respect of any function, the district board concerned in respect of such function; and

(*c*) in the case of all areas in a district which are not comprised within the jurisdiction of a panchayet, the district board concerned.

(20) "Lodging house" means a hotel, a boarding house, a choultry, dharmasala or rest-house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include—

(*a*) a students' hostel under public or recognized control, or

(*b*) a house licensed under section 125 for accommodating visitors to a fair or festival, or

(*c*) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both.

(21) "Magistrate" does not include an honorary magistrate.

(22) "Milk" means the milk of a cow, buffalo, goat, ass, or other animal and includes cream, skimmed milk, seperated milk, and condensed, sterilized or desicated milk, or any other product of milk.

(23) "Notification" means a notification in the *Mysore Gazette.*

(24) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.

(25) "Occupier" includes—

(*a*) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and

(*b*) a rent-free occupant,

(26) "Offensive matter" includes—

(*a*) filth as defined in clause (11);

(*b*) sewage as defined in clause (32); and

(*c*) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper.

(27) "Offensive trade" means any trade in which the substances dealt with are, or are likely to become, a nuisance.

(28) "Owner", includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connexion with which the word is used.

(29) "Prescribed" means prescribed by the Government by rules made under this Act.

(30) "Private street" means any street, road, square, court, alley, lane, passage or riding path which is not a "public street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises.

(31) "Public street" means any street, road, square, court, alley, lane, passage or riding path, whether a thoroughfare or not, over which the public have a right of way and includes—

(*a*) the roadway over any public bridge or causeway;

(*b*) the footway attached to any such street, public bridge or causeway; and

(*c*) the drains attached to any such street, public bridge or causeway and the land whether covered or not by

any pavement, verandah, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Government.

(32) "Sewage" means night-soil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds.

(33) "Street" means a public or a private street.

(34) "Urban local area" means the area within the jurisdiction of an urban local authority.

(35) "Urban local authority" means—

(*a*) a municipal council; or

(*b*) any panchayat notified by Government as an urban local authority for the purposes of this Act, so long as the notification remains in force.

(36) "Venereal disease" means syphilis, gonorrhœa soft chancre, venereal granuloma or lympho granuloma.

(37) "Water-course" includes any river, stream or channel whether natural or artificial, other than a drain.

(38) "Workplace" means any premises including the precincts thereof, (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration.

(39) "workshop" means any premises including the precincts thereof (not being a factory), wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

## CHAPTER II.

### CONTROLLING AUTHORITIES AND THEIR POWERS.

### Public Health Board.

Constitution of the Public Health Board.

4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board consisting of the following members, namely:—

(*a*) The Minister for Local Self-Government and Public Health;

(*b*) Two members of the Legislative Council nominated by Government;

(*c*) Two members of the Representative Assembly nominated by Government.

(*d*) Two retired officers of Government who have had experience in public health work; and

(*e*) the Director of Public Health.

(2) Members nominated under clauses (*b*) and (*c*) of sub-section (1) shall hold office for a period of one year from the date of nomination, but shall be eligible for re-nomination.

(3) The Minister for Public Health shall be the President of the Public Health Board and the Director of Public Health shall be its Secretary.

Functions of the Public Health Board.

5. (1) The Public Health Board shall advise the Government on such matters as the Government may from time to time refer to it.

(2) The meetings of the Board and the mode of transaction of business of such meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary, or a member.

**Powers of the Government and of the Director of Public Health.**

Powers of the Government and of the Director of Public Health and his staff.

6. (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act.

(2) The Government may, from time to time, define the powers to be exercised, and the duties to be performed, by the Director of Public Health or any member of his staff for the purposes of sub-section (1).

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from, any powers possessed by the Government or the Deputy Commissioner under any other law for the time being in force.

Power of Government to direct performance by district board of any function devolving on panchayets.

7. (1) The Government may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district board and not the panchayet shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayet.

(2) Where a direction is issued under sub-section (1) in respect of any function, the Government may, by general or special order—

(a) determine, or provide for the determination of, the expenses incurred by the district board in performing such function in the area or areas comprised within the jurisdiction of any panchayet or panchayets, and

(b) apportion, or provide for the apportionment of, such expenses between the district board and the panchayet or panchayets concerned.

Powers of the Director of Public Health to advise local authorities.

8. The Director of Public Health may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein:

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

**Public Health Establishments of Local Authorities.**

Public Health staff in local areas.

9. (1) The public health establishment of every local authority shall be on such scale as the Government may from time to time direct.

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts, or the Mysore District Boards Act, be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the Director of Public Health shall have disciplinary control over the members of such public health establishments.

Appointment of the Health Officer.

10. (1) A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule.

(2) Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts 1933, or the Mysore District Boards Act 1926, the Government—

(a) shall appoint the Health Officers of all the local authorities in respect whereof a direction is issued under sub-section (1); and

(b) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

**Powers of the Government and of the Director of Public Health.**

Powers of the Government and of the Director of Public Health and his staff.

6. (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act.

(2) The Government may, from time to time, define the powers to be exercised, and the duties to be performed, by the Director of Public Health or any member of his staff for the purposes of sub-section (1).

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from, any powers possessed by the Government or the Deputy Commissioner under any other law for the time being in force.

Power of Government to direct performance by district board of any function devolving on panchayets.

7. (1) The Government may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district board and not the panchayet shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayet.

(2) Where a direction is issued under sub-section (1) in respect of any function, the Government may, by general or special order—

(*a*) determine, or provide for the determination of, the expenses incurred by the district board in performing such function in the area or areas comprised within the jurisdiction of any panchayet or panchayets, and

(*b*) apportion, or provide for the apportionment of, such expenses between the district board and the panchayet or panchayets concerned.

Powers of the Director of Public Health to advise local authorities.

8. The Director of Public Health may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein:

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

**Public Health Establishments of Local Authorities.**

Public Health staff in local areas.

9. (1) The public health establishment of every local authority shall be on such scale as the Government may from time to time direct.

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts, or the Mysore District Boards Act, be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the Director of Public Health shall have disciplinary control over the members of such public health establishments.

Appointment of the Health Officer.

10. (1) A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule,

(2) Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts 1933, or the Mysore District Boards Act 1926, the Government—

(*a*) shall appoint the Health Officers of all the local authorities in respect whereof a direction is issued under sub-section (1); and

(*b*) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

Appointment of temporary Health Officers in emergencies.

11. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the Government may by order, appoint temporarily for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of, and preventing, such mortality, as the case may be.

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Mysore Medical Registration Act, 1931, either on an honorary basis or on such salary or allowances or both as the Government may fix. The salary and allowances shall be payable from the funds of the local authority.

Delegation of powers of Health Officer.

12. The Government may, by general or special order, authorize any officer of the Government or of a local authority, to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control and revision, as may be specified in such order.

Appointment of persons to carry out the provisions of this Act.

13. (1) Notwithstanding anything contained in this Act or in any other Act or Acts governing local authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act, and in such areas, as may be specified in the order.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, and, where more than one local authority is concerned, in such proportions, as may be determined by the Government.

Powers of Director of Public Health over public health staff of local authorities.

14. (1) Subject to such rules as may be prescribed including rules for consultation with the executive authorities concerned, the Director of Public Health shall have power—

(*a*) to transfer any member of the public health establishment of a local authority to the public health establishment of another local authority; and

(*b*) in times of emergency, to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.

(2) In the case referred to in clause (*b*) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working, shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

Health Officer's control over public health staff.

15. (1) The Health Officer in charge of any local area shall exercise supervision and control over all other members of the public health establishment in such area.

(2) (*a*) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

(*b*) If for any reason the executive authority disagrees with the orders of the Health Officer under clause (*a*), the executive authority shall refer the matter to the Government whose decision shall be final.

Local authority to provide adequate facilities to the Health Officer.

16. Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery, and forms as may in the opinion of the Director of Public Health be necessary for the proper conduct of the business of such Health Officer.

17. Notwithstanding anything contained in the Mysore City, Town and Minor Municipalities Acts, the Mysore District Boards Act and the Mysore Prevention of Adulteration Act, 1921, the Health Officer of a local authority shall perform such of the functions, and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order, determine.

**Authorization of Health Officer to perform the functions of executive authority in public health matters.**

## CHAPTER III.

### WATER-SUPPLY.

18. (1) Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.

**Local authority to provide potable water.**

(2) The local authority shall, so far as may be practiable, make adequate provision for securing—

(a) that the water-supply is continuous throughout the year, and

(b) that the water supplied is at all times wholesome and fit for human consumption.

(3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for non-domestic purposes.

19. (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated, to execute within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.

**Power of Government to direct local authority to execute water-works.**

(2) A local authority may, with the previous sanction of the Government—

(a) construct, lay, or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water;

(b) purchase or take on lease any water-work, or any water, or any right to store or to take or convey water, either within or without the limits of its local area; and

(c) contract with any local authority or other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply, whether within or without the limits of its local area (other than a source under the control of the Government), from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

20. The Government shall have power to take water from any water-main belonging to, or in the control of, a local authority for supplying water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable:

**Power of Government to divert water from water-main belonging to local authority.**

Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal, and consider its explanations or objections, if any.

Power of Deputy Commisssioner in regard to water-supply.

21. (1) The Deputy Commissioner of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining,—

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken, and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

(2) The Deputy Commissioner or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be:

Provided, that before issuing a notice under this sub-section, the Deputy Commissioner or other officer shall give the authorities or persons affected, a reasonable opportuntiy to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Deputy Commissioner or other officer under sub-section (2), an appeal shall lie to the Government whose decision shall be final.

(4) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom, and the period within which, they are to be executed.

(b) The notice shall either—

(i) be published in the prescribed manner; or

(ii) be served on the local authority or on the person owning or having control over the source of water-supply, as the case may be, in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

(6) (a) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned.

(b) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who, on inquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

*Explanation.*—For the purposes of this sub-section, 'water-tax' means—

(a) a tax levied under section 26 of this Act, or

(b) a water and drainage-tax levied under the Mysore City, Town and Minor Municipalities Acts, 1933 or

(c) a tax levied under the Mysore District Boards Act, 1926 for the specific purpose of executing, maintaining or improving any work for the supply water.

Power of Director of Public Health to direct local authority to improve water-supply.

22. If the Dire of Public Health is satisfied upon investigation that an source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable, he may, by order, direct

the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

23. In the case of any railway in Mysore State, the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government such fee as may be prescribed by them.

Railway administrations to submit samples of drinking water for analysis.

24. The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the State.

Rules for the protection and periodical examination of water supply.

25. (1) The Health Officer may at any time, by written notice require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof—

Health Officer's powers in regard to insanitary sources.

(*a*) keep and maintain any such source of supply in such manner as the Health Officer may direct; or

(*b*) cleanse any such source of water-supply from silt, refuse and vegetation; or

(*c*) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or

(*d*) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is in his opinion dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same; or

(*e*) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(*f*) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion the water is unfit for drinking; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighbourhood:

Provided that the provisions of clauses (*a*) and (*d*) shall not apply to a stream:

Provided further that a notice shall not be issued under clause (*f*) unless a notice has first been issued under clause (*e*) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under clause (*f*).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or safety of any person or persons, at once proceed to execute the work specified in such notice; and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over such source of water-supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or which, in the opinion of the local authority, have been necessarily incurred by the owner of, or person having control over, the source of water-supply shall be paid from the funds of the local authority.

Levy of water-tax and earmarking the proceeds for water-works.

26. (1) Any local authority may with the previous sanction of the Government, and shall, if so directed by them, levy within its area or any part thereof, any tax which may be necessary for providing water-supply in such area or part.

(2) Any tax levided under sub-section (1) may be a new tax levied on such basis assessed and realized in such manner as may be sanctioned or directed by the Government, or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned, in which case all the provisions of such law relating to the incidence, assessment or realization of a tax under such head or in any manner connected therewith shall be applicable to the tax or additional tax, with such modifications and restrictions, if any, as may be prescribed.

(3) (*a*) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax is levied by the local authority of its own motion, and by the Government in case the tax is levied at their direction.

(*b*) The local authority may with the previous sanction of the Government and shall, if so directed by them, alter the rates at which any such tax is to be levied.

(4) (*a*) Every local authority levying a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of works of water-supply in the local area or part thereof within which it is levied.

(*b*) Such revenue shall be expended in accordance with such orders as may be issued by the Government in this behalf.

(5) Nothing contained in this section shall be deemed to affect the power of any municipality governed by the Mysore City, Town and Minor Municipalities Acts, to levy a water and drainage tax under the respective Acts.

New house not to be occupied without adequate water supply.

27. No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the immates of the house.

## CHAPTER IV.

### DRAINAGE.

Local authority to maintain public drains.

28. (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.

(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them.

(3) The local authority shall at all times keep in good repair all drains, cess-pools and the like vested in or belonging to it.

29. (1) If any premises are in the opinion of the Health Officer without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage: Power of Health Officer to require drains to be constructed.

Provided that—

(a) the cost of constructing that portion of the drain which is situated more than one hundred feet from the said premises, shall be paid from out of the funds of the local authority concerned; and

(b) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the promises to construct—

(i) a closed cess-pool, tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cess-pool, tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

30. Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first-mentioned drain and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connexion to be made: Drains in private streets.

Provided that no such connexion shall be made—

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned; or

(b) in default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned, has been duly made.

31. (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such material, as may be considered by the Health Officer to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage. Drainage for huts.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

32. For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any court, yard, alley, lane, passage or open space— Drainage of court, yard, alley, passage, etc.

(a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

(b) to raise the level of such court, yard, alley, lane, passage or open space.

*Explanation.*—It shall be open to the Health Officer to require that in any case both the measures specified in clauses (a) and (b) of this section shall be taken.

Construction and closure of cess-pools.

33. (1) No person shall construct a cess-pool—

(a) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within such other distance therefrom as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

(2) The Health Officer may, at any time, by notice, require any person within whose premises any cess-pool is constructed in contravention of sub-section (1) to remove such cess-pool or to fill it up with such material as may be approved by him.

Prohibition of occupation of new building without drains.

34. No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

Sullage or sewage not to be let out into streets.

35. No person having control over any building or land shall cause or allow—

(a) the water of any sink, sewer, latrine or sanitary convenience, or any other liquid or other matter which is, or is likely to become, offensive, to run or drain into, or to be thrown or put upon, any street or open space or to soak through any external wall; or

(b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

Injurious refuse not to be discharged into public drain.

36. No person shall, save as may be generally or specially prescribed, throw, empty, or turn, or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain—

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudically the treatment and disposal of such contents; or

(b) any liquid being refuse or stream or other liquid which is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive or inflammable substance.

Pollution of water-courses prohibited.

37. No person shall, save as may be generally or specially prescribed—

(1) put, or cause to be put, or cause to fall or flow or be carried, or knowingly permit to be put or to fall or flow or be carried, into any water-course—

(a) any solid or liquid sewage matter, or

(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as either singly or in combination with other similar acts of the same or any other person, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighbourhood of any water-course.

## CHAPTER V.

### SANITARY CONVENIENCES.

38. Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

Obligation of local authority to provide public sanitary conveniences.

39. If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

New houses to be provided with sanitary conveniences.

40. (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences, provided therein are insufficient, having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary grounds, he may, by notice, in writing, require the owner of such building—

Additional sanitary conveniences.

(*a*) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice; or

(*b*) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

41. (1) All latrines shall—

Mode of construction of latrines.

(*a*) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and

(*b*) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be a nuisance or offensive to public decency, the Health Officer may, by notice, in writing, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connexion therewith.

## CHAPTER VI.

### ABATEMENT OF NUISANCES.

42. Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (24) of Section 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter:—

Certain things to be nuisances.

(1) any premises in such a state as to be prejudicial to health or a nuisance;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cess-pool, drain or ash-pit which is so foul or in such a state as to be prejudicial to health or a nuisance;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;

(5) any factory (not being a factory governed by the provision of the Mysore Factories Act, 1936), workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so over-crowded while work is carried on as to be prejudicial to the health of those employed therein;

(6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bake-house or gaswork, or in any manufacturing or trade process whatsoever;

(7) any chimney sending forth smoke in such quantity as to be a nuisance; and

(8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood.

**Detection of nuisance.**

43. Every urban local authority shall—

(*a*) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist therein calling for abatement under the powers conferred on such authority by this Act; and

(*b*) enforce the provisions of this Act in order to abate such nuisances.

**Information regarding nuisance.**

44. Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the public health establishment of the local authority.

**Power of Health Officer to abate nuisance.**

45. If the Health Officer is satisfied, whether upon information given under section 44 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that—

(*a*) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

(*b*) where the person causing the nuisance cannot be found that it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

**Power of local authority to abate nuisance.**

46. If the person on whom a notice to abate a nuisance has been served under section 45, makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

**Provision regarding house rendered unfit for occupation by reason of nuisance.**

47. Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not being a magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

**Disposal of articles removed while abating nuisance.**

48. (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

(2) A local authority selling any materials under sub-section (1) shall pay the sale-proceeds to the person to whom the materials belonged, after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

Powers of entry and inspection.

49. The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that—

(*a*) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;

(*b*) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry;

(*c*) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

Power of Government in case of default by local authority.

50. If the local authority or its Health Officer makes default in doing its or his duty under this Act in regard to the abatement or prevention of nuisances, the Government may authorize any of their officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

Nuisance caused by act or omission outside local area.

51. If a nuisance under this Act within, or affecting any part of, a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, authorized by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

Prohibition of the deposit of rubbish, etc., in street, etc.,

52. (1) No person shall deposit, or cause or suffer any member of his family or household to deposit, any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street, or on any open space (not being private property), or on the bank of any water-course, except in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.

(2) No person shall ease himself, or cause, permit or suffer any member of his family or household to ease himself, in any such street, arch, drain, open space or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

## CHAPTER VII.

### PREVENTION, NOTIFICATION AND TREATMENT OF DISEASES.

### PART I.

#### Infectious Diseases in General.

Infectious diseases.

53. For the purposes of this Part, 'infectious disease means.—

(*a*) acute influenzal pneumonia, (*b*) anthrax, (*c*) cerebro-spinal fever, (*d*) chicken-pox, (*e*) cholera, (*f*) diphtheria, (*g*) enteric fever, (*h*) leprosy, (*i*) measles, (*j*) plague, (*k*) rabies, (*l*) relapsing fever, (*m*) scarlet fever. (*n*) small-pox, (*o*) tuberculosis, (*p*) typhus or (*q*) any other disease which the Government may from time to time by notification declare to be an infectious disease either generally throughout the State or in such part or parts thereof as may be specified in the notification.

Appointment of additional health staff.

54. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be:

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the Director of Public Health whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary; and expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

Provision and maintenance of isolation hospitals and wards.

55. (1) (*a*) The local authority may, and if so required by the Government shall, provide or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(*b*) For the purpose of the reception and treatment of such persons a local authority may—

(i) itself build such hospitals, wards or places of reception, or

(ii) contract for the use of any such hospital or part of a hospital or place of reception; or

(iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.

(*c*) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the Director of Public Health.

Provision of ambulances, etc.

56. A local authority may, and if so required by the Director of Public Health shall,—

(*a*) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease; and

(*b*) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

**Medical practitioners to give information of certain infectious diseases**

57. Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay—

(*a*) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector; and

(*b*) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village headman.

*Explanation.*—In this section, 'medical practitioner' includes a *hakim* or *vaidya*, whether registered or not.

**Prohibition of the use of water from suspected source.**

58. (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to engender or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

**Removal of infected person to hospital.**

59. (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person—

(*a*) (i) is without proper lodging or accommodation; or

(ii) is lodged in a place occupied by more than one family; or

(iii) is without medical supervision directed to the prevention of the spread of the disease; or

(iv) is in a place where his presence is a danger to the people in the neighbourhood; and

(*b*) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment,,

the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman who, according to custom, does not appear in public, is removed to any such hospital or place :—

(i) the removal shall be effected in such a way as to preserve her privacy; and

(ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place.

(3) No person shall leave, or be taken away from, any hospital or other place referred to in sub-section (1) without the permission of the medical officer-in-charge or of the Health Officer.

(4) Whoever—

(*a*) obstructs the removal of any person to any hospital or other place under sub-section (1), or

(*b*) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3), shall be punished with imprisonment which may extend to three months, or with fine, or with both.

**Prohibition of the exposure of other persons to infection.**

60. (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in—

(*a*) any market, theatre or other place of entertainment or assembly, or

(*b*) any school, college, play-ground or such other place, or
(*c*) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(*d*) any factory or shop.

*Explanation.*—A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

Infected persons not to engage in certain trades and occupations.

61. No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease:—
(*a*) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or
(*b*) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

Prevention of infectious diseases transmissible from animals.

62. If in any local area, any infectious disease transmissible to man breaks out or is in the opinion of the Health Officer likely to break out, amongst cattle, or other animals; it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

## PART II.

### Notified Infectious Diseases.

Notified diseases.

63. In this Part, notified disease means:—
(*a*) cerebro-spinal fever,
(*b*) chicken-pox,
(*c*) cholera,
(*d*) diphtheria,
(*e*) leprosy,
(*f*) measles,
(*g*) plague,
(*h*) rabies,
(*i*) scarlet fever,
(*j*) small-pox,
(*k*) typhus, or
(*l*) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this part either generally throughout the State or in such part or parts thereof as may be specified in the notification.

Occupation of houses to prevent the spread of infection.

64. (1) The Health Officer may, in cases of emergency, with the sanction of the Deputy Commissioner, enter upon, occupy and use, or depute any person to enter upon, occupy and use without having recourse to the provisions of the Mysore Land Acquisition Act, 1894, any building or place which, in the opinion of the Health Officer, is required, and is

suitable for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Deputy Commissioner.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

Information regarding notified disease.

65. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital, and

every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease,

shall, if the case has not been already reported, give information of the same with the least practicable delay—

(*a*) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector, and

(*b*) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village headman.

*Explanation.*—In this section, 'medical practitioner' includes *hakim* or *vaidya*, whether registered or not.

Power of entry of local officers to take preventive measures.

66. (1) The Health Officer or any person authorized by him in this behalf may—

(*a*) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and

(*b*) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in municipal areas, be exercised also by the executive authority or any person authorized by such authority.

Destruction of hut or shed to prevent spread of infection.

67. (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1); but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Closure of lodging houses.

68. If, on the application of the Health Officer, a Magistrate (not being a magistrate of the third class) is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on

account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

Infected clothes not to be sent to laundry.

69. No person shall—

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of, the Health Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

Infected persons not to use public conveyance.

70. (1) No person who knows that he is suffering from a notified disease shall—

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried—

(a) in any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in charge of a public conveyance in which a person suffering from a notified disease has been conveyed shall provide for its disinfection.

Letting or sub-letting a building occupied by an infected person.

71. No person shall, without a special permit from the Health Officer, let or sub-let, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has been suffering from a notified disease, within the three months immediately preceding.

72. (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in— **Prohibition of the exposure of other persons to infection.**

(*a*) any street or public place, or
(*b*) any market, theatre or other place of entertainment or assembly, or
(*c*) any school, college, play-ground or such other place, or
(*d*) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(*e*) any factory or shop.

*Explanation.*—A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

73. (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier. **Forbidding work in infected premises.**

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be notified by the Director of Public Health.

74. No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library. **Prohibition of use of public library by infected person.**

75. (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to, the body. **Disposal of bodies of persons dying while suffering from notified disease.**

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3) (*a*) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building,

any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(*b*) A Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(*c*) The expenses of the removal and disposal of any body under clause (*a*) or clause (*b*) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(4) (*a*) If any person dies in a hospital or a place of temporary accommodation for the sick, while suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(*b*) When the body is removed for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning ground or a crematorium, and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

**Power of Magistrate to prohibit an assembly of more than fifty persons.**

76. In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate having local jurisdiction shall have power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

**Power of Government to confer special powers on officers to control notified diseases.**

77. (1) (*a*) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, the Government may declare that such place or area is visited by, or threatened with, an outbreak of such disease.

(*b*) The power conferred on the Government by clause (*a*) may also be exercised, in the case of a place or area situated in a district, by the Deputy Commissioner of the district subject to the control of the Government.

(*c*) Any declaration made by the Government under clause (*a*) or withdrawal thereof in whole or in part shall be published in the *Mysore Gazette* and shall come into operation on the date of such publication.

(*d*) Any declaration made by the Deputy Commissioner under clause (*b*) or withdrawal thereof in whole or in part shall be published in the *Mysore Gazette*, and shall come into operation on the date of such publication.

(2) When a declaration under clause (*a*) or clause (*b*) of sub-section (1) comes into operation and until it is withdrawn, the Deputy Commissioner of the district or any person duly authorized by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the local authority concerned or any officer of the Government other than the Deputy Commissioner may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed, either

generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely :—

(*a*) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality ;

(*b*) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3) ;

(*c*) power to direct—

(i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers ;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection ; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days ;

(*d*) power to take such measures as may be necessary—

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including, in case (i) the placing of restrictions on the movements of such persons, and in case (ii), the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area ;

(*e*) power to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner ; and

(*f*) power to close all or any existing markets and to appoint special places where markets may be held.

(3) (*a*) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (*b*) of sub-section (2), declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate :

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (*b*) and no exemption shall be granted to any person who has been so convicted.

(*b*) Any person who commits a breach of any undertaking given by him under clause (*a*) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

(4) The local authority may, in its discretion, give compensation to any person who in its opinion has sustained substantial loss by the destruction of any property under the powers

conferred by this section ; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Destruction of rats, mice, etc.

78. (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infesting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1), he may either—

(a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(b) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty-four hours' previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.

## PART III.

### Venereal Diseases.

Provision for treatment of venereal disease by local authorities.

79. (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for—

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases ; and

(b) the prevention of infection from such diseases.

(2) The local authority may, for the purpose mentioned in sub-section (1), enter into a contract—

(a) with any other local authority, or

(b) with a hospital or medical institution recognized by the Government in this behalf, or

(c) with the sanction of the Government, with any medical practitioner registered under the Mysore Medical Registration Act, 1931.

Patient to be instructed in methods of prevention of the spread of venereal disease.

80. Every physician or other person treating, or examining with a view to treatment, a person having a venereal disease shall, at the first visit—

(a) impress upon such person the necessity for treatment until the cure is effected ;

(b) instruct him in regard to the measures necessary for preventing the spread of the disease ; and

(c) furnish him with such other information relating to the disease as may be provided by the Director of Public Health.

Certain medical practitioners to certify as to freedom from venereal disease.

81. Every medical practitioner registered under the Mysore Medical Registration Act, 1931, and included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that such person is not suffering from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

## PART IV.

### Power to make rules.

Rules for the prevention, treatment and control of certain diseases.

82. The Government shall have power to make such rules as they deem fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

Power of Health staff to enter and inspect premises.

89. For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Sanitary or Assistant Sanitary Inspector may, at all reasonable times, after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

## CHAPTER X.

### SANITATION AND BUILDINGS.

### PART I.

#### Residential Areas.

Notification f residential reas.

90. (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issue of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

Approval of Director of Public Health and of Director of Town Planning to be obtained for notification.

91. (1) Before issuing a notification under section 90, the local authority shall—

(*a*) obtain the approval both of the Director of Public Health and of the Director of Town Planning in regard to—

(i) the suitability of the areas proposed to be reserved for residential purposes; and

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 90; and

(*b*) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 90 and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the Director of Public Health or the Director of Town Planning, the matter shall be referred to the Government whose decision shall be final.

Appeal against notification.

92. Any person aggrieved by the issue of a notification under section 90, may appeal to the Government whose decision shall be final.

Consequences of notification.

93. Upon the issue of a notification under section 90, the following consequences shall ensue, namely:—

(*a*) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(*b*) In the case of any factory, workshop or workplace in existence at the time when the notification comes into force or of any offensive trade in existence at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

*Explanation* (1).—If work in any factory, workshop, or workplace existing at the time when the notification under section 90 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop, or workplace or of such offensive trade, as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohibited under clause (*a*).

*Explanation* (2).—In the case referred to in Explanation (1), where the period exceeds six months but does not extend to one year, work in the factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without the written permission of the Health Officer unless the Government otherwise order.

Extension of sections 90 to 93 to non-urban local authorities.

94. The Government may, by notification, direct that the provisions of sections 90 to 93 shall apply to any non-urban local authority specified in such notification; and thereupon, the provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of section 90 were a reference to the date of publication of the notification under this section.

## PART II.

### Control over Insanitary Buildings.

New building not to be erected on certain sites.

95. (1) No person shall erect a new building on any ground which has been filled up with fæcal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the Health Officer to issue a certificate under sub-section (1), an appeal shall lie to the Government whose decision shall be final.

Cleansing of court, yard or passage used in common.

96. (1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Health Officer, he may cause such court, yard or passage to be swept and cleansed.

(2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings which front or abut on the court or yard, to which the passage affords access, in such proportions as may be determined by the Health Officer.

Dwelling house unfit for human habitation to be vacated.

97. (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation, he may in cases not falling under section 47, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Provided that before making an order under this sub-section, the local authority shall give the owner and the occupier or occupiers, if any, concerned a reasonable opportunity of showing cause why it should not be made.

(2) When any order has been made under sub-section (1), the executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit

the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let or occupy, or permit to be let or occupied, such dwelling house or portion, or any part thereof, as a human habitation.

## PART III.

### Abatement of Overcrowding.

Definitions.

98. In this Part—

(1) "tenement" means a dwelling house and includes—

(*a*) any part of a dwelling house which is capable of separate occupation; and

(*b*) a students' hostel under public or recognized control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) "landlord" means the immediate landlord or the occupier or occupiers of a tenement.

Duties of landlord.

99. A landlord of a tenement—

(*a*) shall maintain it in a habitable condition; and

(*b*) except temporarily on occasions such as marriages and the like, shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in a habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

Power to make rules.

100. The Government shall have power to make rules for determining.—

(*a*) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of section 99; and

(*b*) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

## CHAPTER XI.

### LODGING HOUSES

Lodging houses to be registered.

101. No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

Register of lodging houses.

102. Every executive authority shall keep a register in which shall be entered—

(*a*) the full name and the place of residence of every person registered as the keeper of a lodging house;

(*b*) the situation of every such lodging house;

(*c*) the number of persons authorized to be received in the lodging house; and

(*d*) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging house.

103. (1) An executive authority on receiving from any person an application for registration, or for the renewal of his registration, as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Conditions of registration and of renewal of registration.

Provided that the executive authority—

(*a*) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and

(*b*) may refuse to register, or to renew the registration of, an applicant if he is satisfied that—

(i) the applicant or any person employed or proposed to be employed by the applicant at the lodging house as a deputy or otherwise is not a fit person, whether by reason of age or otherwise, to keep or to be employed at a lodging house; or

(ii) the premises are not suitable for use as a lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire, suitably equipped for use as such; or

(iii) the use of the premises as a lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration, or the renewal of the registration of a person as a keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date, when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If, at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

104. A person aggrieved by the refusal of an executive authority to grant or renew registration under section 103 may appeal to the local authority.

Appeal to local authority.

105. The Government shall have power to make rules:—

Rules for the upkeep and maintenance of lodging houses.

(*a*) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein;

(*b*) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceilings thereof to be lime-washed or treated with some other suitable preparation, at specified intervals;

(*c*) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and

(*d*) generally for the well-ordering of lodging houses.

106. (1) The keeper of a lodging house shall, if so required by the executive authority, affix, and keep affixed and undefaced and legible, a notice with the words "Registered Lodging House" in some conspicuous place on the outside of the house.

Notice to be affixed outside the lodging house.

(2) The keeper of a lodging house and every other person having the care and taking part in the management thereof shall

at all times allow the executive authority, the Health Officer or any other person authorised by the executive authority or Health Officer in this behalf, to have free access to all parts of the house.

Cancellation of registration by Court.

107. When the registered keeper of a lodging house is convicted of any offence under this Chapter or under section 65 or a rule or by-law applicable to him made under this Act, the Court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as a Court thinks fit for being again registered as such keeper.

## CHAPTER XII.

### FOOD CONTROL.

Prohibition of sale of unsound food.

108. (1) No person shall—

(a) sell, expose or hawk about for sale, or keep, store or prepare for sale, any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or

(b) sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the Court shall, unless and until the contrary is proved, presume—

(a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption, has been kept by such person for sale, and

(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

Punishment for contravening provisions of section 108, through others.

109. (1) Any person who does any of the acts mentioned in sub-section (1) of section 108 or in clauses (a) to (d) of sub-section (1) of section 5 of the Mysore Prevention of Adulteration Act, 1921, through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

(2) If a child under seven years of age does any of the acts aforesaid, the emplyer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same.

Flesh of dead animal not to be consumed.

110. No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

*Explanation.*—It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle, or on any other ground.

Importing meat into local area.

111. (1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughterhouse maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to—

(a) cured or preserved meat, or

(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the course of transit, or

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

Power of Health Offi to enter premises us for food trade.

112. The Health Officer may, without notice, enter any place at any time, by day or by night, where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing the same.

Powers of Health Officer to deal with carriers of disease handling food.

113. (1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale.

(2) If on such examination the Health Officer finds that such person is suffering from, or harbouring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease.

Investigation of diseases caused by milk or dairy produce.

114. (1) If the Health Officer has reason to believe—

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area, or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease,

the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the limits of the local area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained, not directly from a dairy but through some other person, the Health Officer may make a similar requisition upon such other person.

(3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

Inspection of dairy by Health Officer

115. (1) The Health Officer may inspect any dairy referred to in section 114 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order is made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or the employees objected to by him have ceased to work at the dairy, or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1) the Health Officer may either—

(a) permit the milk or other produce of the dairy, after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or

(*b*) cause such milk or dairy produce to be destroyed.

(5) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

## CHAPTER XIII

### FAIRS AND FESTIVALS.

Notification of fairs and festivals by Government.

116. (1) The Government may, by notification—

(*a*) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre for such period as may be specified in the notification ; and

(*b*) define the limits of the area which shall, for the purposes aforesaid, be the site for the fair or festival.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connexion with which a notification under sub-section (1) has been issued.

Levy of pilgrim tax.

117. (1) The Government or the local authority with the approval of the Government, may, by notification, impose, during a period to be specified in the notification, a tax on persons leaving a notified fair or festival centre or any place within such distance therefrom as may be specified in the notification.

(2) Every such notification shall specify the rates at which the tax shall be levied.

Provided that the tax shall not exceed four annas.

(3) The Government shall have power to make rules regarding—

(*a*) the collection of the tax ;

(*b*) the ascertainment of the expenses incurred in collecting the tax ;

(*c*) in case the tax is collected by any authority (other than the local authority concerned) or any person, the payment of the proceeds of the tax after deducting the expenses of collecting the same, to the local authority ;

(*d*) in the case referred to in clause (*c*), the returns and information to be furnished by the authority or person collecting the tax to the local authority concerned, and the decision of disputes between the authority or person aforesaid and such local authority ; and

(*e*) the decision of disputes between two or more local authorities.

Levy of tolls on vehicles.

118. (1) The Government, or the local authority with the approval of the Government, may, by notification, levy tolls on any vehicle (other than a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates, and subject to such exemptions, as may be specified in the notification.

(2) The Government shall have power to make rules regarding—

(*a*) the collection of tolls ;

(*b*) the composition of the tolls payable by any person;

(*c*) the seizure, detention and disposal of any vehicle or animal in respect of which toll is not paid ;

(*d*) the duty of the police to assist persons authorised to collect tolls and the powers of the police in that behalf ; and

(*e*) the penalties to be imposed in case of evasion of tolls or of resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid.

Notice to be given of fair or festival.

119. (1) The person or authority in charge of any fair or festival shall, not less than sixty days before its commencement intimate to the executive authority or Health Officer of the local

authority concerned, or in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of the commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned.

Sanita arrangements, etc.

120. The local authority within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly shall make provision for—

(1) the demarcation and preparation of the site of the fair or festival;

(2) the clearing and draining of the site;

(3) the disposition of the several parts of the fair or festival, including the alignment of roads within the site;

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and the proper preservation of such water;

(5) the accommodation of pilgrims and visitors to such extent as may be practicable;

(6) the lighting of the fair or festival centre;

(7) the supply by suitable persons of wholesome food, at reasonable rates, and in such quantities as may be necessary to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival centre;

(8) the collection, removal and disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival;

(10) the detection and segregation of cases of infectious diseases and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and

(12) such other purposes as may be prescribed.

Health Officer to supervise the arrangements.

121. The arrangements mentioned in section 120 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local authorities designated by the person or committee referred to in section 120 or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned within their respective local areas.

Power to enter and seize unwholesome food.

122. (1) The Health Officer, or a Sanitary or Assistant Sanitary Inspector of the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may—

(*a*) enter and inspect any building or shop in the fair or festival centre, which is a source of food supply;

(*b*) for the purpose of inspection, have access to any source of water supply on such centre or within such distance therefrom as the Government may, by general or special order, determine; and

(*c*) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival centre which he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if, in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2) (*a*) Any officer seizing any food under clause (*c*) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(*b*) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed, and any expenses incurred in his behalf (including the cost, if any, of analysing the food or a sample thereof) shall be recoverable from the person from whom the food was seized, as if it were a tax due from him to the local authority or any of the local authorities concerned.

(c) If the authority or person aforesaid is of opinion that such food is wholesome and fit for human consumption, the food shall be returned to the person from whom it was seized; and the cost, if any, of analysing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

Occupation of building, etc., required in connection with fair or festival.

123. (1) The local authority may, in cases of emergency, with the sanction of the Deputy Commissioner, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any land or any building not being a dwelling-house in the notified fair or festival centre which, in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation-sheds, latrines, and the like:

Provided that if the land or building is occupied, notice shall be given in writing to the occupant or be conspicuously affixed on such land or building, not less than twenty-four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Deputy Commissioner.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

Control over private sources of water-supply.

124. (1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival site, or within such distance therefrom as the Government may by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

Licensing of houses to accommodate visitors to fair or festival.

125. (1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed. and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3) (*a*) If it appears to the executive authority or the Health Officer, as the case may be, that the house is suitable for accommodating visitors to the fair or festival, he may issue a licence, in the prescribed form and subject to the prescribed conditions, for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the house, whether as members of the family or as servants of the owner or occupier.

(*b*) The licence shall also specify—

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licensed house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfilment of such condition, as he may specify.

Extension of provisions of chapter to certain areas.

126. The Government may, by notification and subject to such modifications, if any, as may be specified therein, extend all or any of the foregoing provisions of this Chapter or any other provision in this Act connected therewith, to any local area or part of a local area in which a large number of persons attending a fair or festival held in a notified fair or festival centre halt, or are expected to halt, on their way to, or return from such centre.

## CHAPTER XIV.

### FINANCE.

Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals.

127. If in respect of any fair or festival, any tax or toll is levied under section 117 or section 118 of this Act, or under the Mysore City, Town and Minor Municipalities Acts, or the Mysore District Boards Act, the local authority shall have power to spend the proceeds thereof in connection with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may, by general or special order, authorize.

Earmarking of revenue by local authorities for expenditure on public health.

128. (1) Every municipality shall earmark not less than 30 per cent of its income from all sources other than Government grants, for expenditure on the advancement of public health in its local area, including expenditure on medical relief, and every district board or panchayat shall similarly earmark not less than 12½ per cent of its income from such sources:

Provided that the Government may, for financial or other reasons, vary the provisions of this sub-section to such extent as they may think fit in the case of any municipality or district board or any panchayat or class of panchayats.

(2) (*a*) The Government may, by notification authorize any local authority or class of local authorities to incur expenditure on any public health purpose specified in the notification, notwithstanding anything contained in the Act under which such local authority or authorities have been constituted.

(*b*) Any expenditure incurred by a local authority, which is authorized by clause (*a*) shall be taken into account for the purposes of sub-section (1).

## CHAPTER XV.

### RULES, BY-LAWS, PENALTIES, ETC.

Power of Government to make rules.

129. (1) The Government shall, in addition to the rule-making powers conferred on them by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules—

(*a*) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and

(*b*) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

Penalty for breach of rules.

130. (1) In making a rule under section 82, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishabl—b

(i) with fine which may extend to one hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making and the effect of rules.

131. (1) The power to make rules under this Act shall be subject to the following conditions:—

(*a*) A draft of the rules shall be published in the *Mysore Gazette*.

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(2) All rules made under this Act shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

By-laws by local authorities.

132. Any local authority may make by-laws, not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

Breach of by-laws.

133. In making a by-law the local authority may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making or altering by-laws.

134. By-laws made by a local authority under sections 132 and 133 shall always be subject to the previous sanction of the Government and shall also be subject,—

(*a*) in case the local authority is a City Municipal Council, to sub-sections (2) and (3) of section 51 and section 52 of the Mysore City Municipalities Act, 1933; and

(*b*) in case the local authority is a Town Municipal Council, to sub-sections (2) and (3) of section 48 and section 49 of the Mysore Town Municipalities Act, 1933.

135. (1) Whoever,— Penalties for offences against Act, etc.

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions, shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions;

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

*Explanation.*—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

136. Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both. Penalty for preventing entry of executive authority or Health Officer.

MISCELLANEOUS.

137. Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed. Appeal against decisions of Health Officer.

138. (1) When any notice is required to be given by this Act or by any rule, by-law, regulation or order made under it, such notice shall be given— Method of serving notices.

(a) by giving or tendering the notice to such person; or

(b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the local area and his address elsewhere is known to the executive authority, by sending the same to him by post, registered; or

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

Cognizance of offences against the Act.

139. No person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it, unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer or by a person expressly authorized in this behalf by the local authority, the executive authority or the Health Officer:

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1904, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

Power to compound offences.

140. The executive authority or the Health Officer may compound any offence against this Act or the rules or by-laws made thereunder which may, by rules made by the Government, be declared compoundable.

The power to compound any offence so declared may also be exercised by such other authority or person as may be authorised in that behalf by rules made by the Government.

Powers of Police Officers to arrest offenders against Act, etc.

141. Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or by-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason believe to be false.

Powers of executive officer and public health staff to arrest offenders against Act, etc.

142. (1) The executive officer of a local authority or any member of the Public Health establishment of a local authority not below the rank of Sanitary or Assistant Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer in charge of the nearest police station as expeditiously as possible.

(2) The offences referred to in sub-section (1) are —

(*a*) offences against any of the provisions of this Act, or of any rule or bye-law made thereunder; and

(*b*) offences falling under any of the provisions of the Acts, mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction—

(i) sections 130, 131 (1), 150 (1), 150 (2), 151, 152, 153, 154 (1), 158 (a), 158 (b), 161, 162 (1), 162 (2), 165 (1), 165 (2), 167 (2), 168 (2), 172 (1), 172 (2), 172 (3), 174 (4), 175 (5), 178 (5), 180 (3), 181 (2), and 184 of the Mysore City Municipalities Act, 1933;

(ii) sections 119, 120 (1), 136 (1), 136 (2), 137, 138, 139 (1), 143, 144 (1), 144 (2), 145, 147, 148 (2), 150 (1), 151 (1), 152 (5), 154 (4), 156 (5), 157 (3), 158 (2), and 161 of the Mysore Town Municipalities Act, 1933;

(iii) section 95 of the Mysore Minor Municipalities Act, 1933;

(iv) sections 56 and 57 of the Mysore Police Act, 1908; and

(v) section 5 of the Mysore Prevention of Adulteration Act, 1921.

Persons arrested not to be detained unnecessarily.

143. No person arrested under section 141 or section 142 shall be detained in custody—

(*a*) after his true name and address have been ascertained, or

(*b*) for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having

jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the Court having jurisdiction to try the case.

144. (1) No suit, prosecution or other proceeding shall lie, against any local authority or any executive authority of a local authority, or against the Government or any officer or servant of a local authority or of the Government, or against any person appointed under section 13 of this Act, for any Act done or purporting to be done under this Act, without the previous sanction of the Government. Bar of suits and prosecutions in certain cases.

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the Government and no person appointed under section 13 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the Act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

145. Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person appointed under section 13 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both. Punishment for malicious abuse of powers.

*Explanation.*—No prosecution shall be instituted under this section without the previous sanction of the Government.

146. The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority: Delegation of powers by Government.

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act, or to their powers under sections 2 (2), 2 (3) (b), (9) (2), 128 (1) and 148.

147. If any provision relating to public health contained in any other enactment in force in Mysore is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void. Act to override other enactments.

148. If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty. Power remove difficulties.

# SCHEDULE I.

## ORDINARY PENALTIES.

[*See section 135 (1).*]

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 25 | (1) | Failure of the owner or other person having control to obey or comply with the directions contained in a notice requiring to keep any well, etc., in good repair, to cleanse it, or protect, etc. | Fifty rupees. |
| 27 | ... | Owner of new dwelling house occupying or permitting its occupation without a supply of wholesome water. | Do |
| 29 | (1) | Failure to comply with notice to provide efficient drainage. | Do |
| 30 | ... | Failure to comply with notice requiring to connect a house drain with an outside drain. | Do |
| 31 | ... | Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land. | One hundred rupees. |
| 32 | ... | Failure to comply with notice for paving or raising the level of any court, yard, etc. | Fifty rupees. |
| 33 | (1) | Unlawful construction of cess-pool or construction of cess-pool on unapproved site. | Do |
| | (2) | Failure to comply with notice requiring removal or closure of cess-pool. | Do |
| 34 | | Occupying or permitting occupation of new building without drain. | One hundred rupees. |
| 35 | ... | Letting out sullage or sewage into a street, etc. | Fifty rupees. |
| 36 | ... | Discharging injurious refuse, etc., into a drain. | One hundred rupees. |
| 37 | ... | Polluting water-course ... | Do |
| 39 | ... | Constructing or reconstructing a building intended for human habitation without a sanitary convenience. | Fifty rupees. |
| 40 | ... | Failure to comply with notice regarding provision of sanitary conveniences or latrines. | Do |
| 41 | (1) | Failure to construct and maintain latrines in the prescribed manner. | Do |
| | (2) | Failure to comply with notice regarding removal or improvement of latrines. | Do |
| | (3) | Causing injury to latrines ... | Do |
| 45 | ... | Failure to comply with notice to abate nuisance. | Do |
| 47 | ... | Failure to comply with Magistrate's order prohibiting the use of a house or building. | One hundred rupees. |
| 52 | (1) | Depositing filth, rubbish, etc., in streets. | Twenty-five rupees. |
| | (2) | Easing or permitting a member of the family to ease in a street, etc. | Do |
| | (3) | Failure to cover excreta with earth ... | Five rupees. |
| 57 | ... | Failure to give information regarding existence of certain infectious diseases. | Do |
| 58 | (2) | Failure to comply with notice prohibiting the use of unwholesome water. | One hundred rupees. |
| 60 | ... | Exposing other persons to infection ... | Twenty-five rupees. |

SCHEDULE—I (*contd*).

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 61 | (a) | Infected persons carrying on trade in articles of food. | Fifty rupees. |
| | (b) | Infected persons engaging in other occupations without permit. | Do |
| 65 | .... | Failure to give information of notified diseases. | Ten rupees. |
| 68 | ... | Failure to close lodging houses, etc. ... | One hundred rupees. |
| 69 | ... | Sending infected clothes to a laundry or depositing infected articles in a receptacle for refuse matter. | Fifty rupees. |
| 70 | (1),(2),(3) and (5) | Using or permitting use of public conveyance by an infected person. | Do |
| 71 | ... | Letting or sub-letting of infected building without a permit. | Do |
| 72 | ... | Exposing other persons to infection ... | Do |
| 73 | (1) | Failure to comply with notice forbidding work in infected premises. | Do |
| 74 | ... | Use of books from public libraries by infected persons, etc. | Do |
| 75 | (1),(2),(4) and (5) | Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it, etc. | Do |
| 76 | ... | Failure to comply with order prohibiting assemblages of more than 50 persons. | One hundred rupees. |
| 77 | (2) | Failure to comply with any order or direction issued by the Deputy Commissioner or other officer. | One thousand rupees. |
| 78 | (1) | Failure to take steps for the destruction of rats, mice, etc. | Twenty rupees. |
| 78 | (2) | Failure to comply with the notice for the destruction of rats, mice, etc. | Fifty rupees. |
| 80 | ... | Failure to give instructions to the person having venereal disease and failure to furnish the required information. | Twenty rupees. |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against breeding of mosquitoes. | Fifty rupees. |
| 87 | ... | Permitting the deterioration of works relating to prevention of the breeding of mosquitoes. | Two hundred rupees. |
| 88 | (1) | Injuring or destroying anti-mosquito works. | Five hundred rupees. |
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | One thousand rupees. |
| | (b) | Failure of factories, workshops, etc., to comply with restrictions imposed. | Five hundred rupees. |
| 95 | ... | Illegal erection of building on insanitary ground. | Two hundred rupees. |
| 97 | (2) and (3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling house. | Do |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Fifty rupees. |
| | (b) | Causing or permitting a tenement to be overcrowded. | Do |
| 101 | ... | Keeping a lodging house or receiving a lodger without registration. | One hundred rupees. |
| 106 | (1) | Failure to affix notice. | Ten rupees. |
| | (2) | Refusal to allow free access to the executive authority, etc., to all parts of the lodging house. | One hundred rupees. |
| 108 | (1) | Selling, etc., unsound meat or food. | Do |

SCHEDULE I—(*concld.*)

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 109 | ... | Selling, etc., unsound meat or food through others. | One hundred rupees. |
| 110 | ... | Consuming the flesh of any animal which has died of natural causes. | Do |
| 111 | (1) | Unlawfully importing meat from outside the local area. | Do |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | Do |
| 114 | ... | Failure to furnish information regarding the sources of supply of milk or dairy produce. | Fifty rupees. |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Two hundred rupees. |
| 119 | ... | Failure to inform the proper authority about the date and other particulars regarding fair or festival. | Fifty rupees. |
| 124 | ... | Failure to comply with notice to close or disinfect source of water-supply. | One hundre rupees. |
| 125 | (1)and (3) | Accommodating visitors without licence, or infringing conditions of licence. | Fifty rupees. |

SCHEDULE II—(*concld.*)

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | Two hundred rupees. |
| | (b) | Failure of factories, workshops, etc., to comply with restrictions imposed. | One hundred rupees. |
| 97 | (2) and (3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling house. | Fifty rupees. |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Twenty rupees. |
| | (b) | Causing or permitting a tenement to be overcrowded. | Do |
| 101 | ... | Keeping a lodging house or receiving a lodger without registration. | Fifty rupees. |
| 106 | (1) | Failure to affix notice. | Five rupees. |
| | (2) | Refusal to allow free access to the executive authority, etc., to all parts of the lodging house. | Fifty rupees. |
| 108 | (1) | Selling, etc., unsound meat or food. | Twenty rupees. |
| 109 | ... | Selling, etc., unsound meat or food through others. | Do |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | Do |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Fifty rupees. |
| 124 | ... | Failure to comply with notice to close or disinfect source of water-supply. | Twenty-five rupees. |
| 125 | (1) and (3) | Accommodating visitors without licence or infringing conditions of licence. | Twenty rupees. |

Submitted as Personally instructed
Law Secy
13.1.44

Section 24 of the Government of Mysore Act enacts that the Legislative Council may make laws for the whole or any part of Mysore and for the subjects of His Highness the Maharaja wherever they may be. Under Section 28 of the same Act, when a Bill has been passed by the Legislative Council, it should be submitted through the Dewan to His Highness the Maharaja for assent and such a Bill will become law after it has received the assent of His Highness the Maharaja.

These sections contemplate that for a measure to become law, a Bill will have to passed by the Legislative Council and ~~be~~ receive the assent of His Highness the Maharaja thereafter. The assent of the Legislative Council to a Bill is signified on a motion put to the House that such and such a Bill "be passed." In regard to the Bills for which amendments have been tabled in the Council and such amendments have been accepted by the Council, the motion to pass is in the form that "the Bill, as amended, be passed", so that when such a motion is passed, ~~this~~ it is the Bill, as amended, ~~is~~ which is passed by the Legislative Council within the meaning of Section 28 of the Constitution Act.

The Bill, which has to be submitted to His Highness the Maharaja for assent, is, therefore, the Bill as passed by the Legislative Council, that is to say, the Bill as amended by the amendments accepted by the Council. It is not open under the Government of Mysore Act for any Bill to be submitted to His Highness for assent without incorporating therein the amendments made in the Legislative Council.

P.T.O.

If it is ~~the~~ desired that the amendments passed by the Council should not be given effect to, it can be done only by means of an amending enactment for this purpose.

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 13.1.1944
No. 4561

Mr. R. Se

Cis.
13-1-44

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 533 Legis 39-43-1 Dated. Bangalore, 31st Jan 1944

Ordered that the accompanying Mysore public Health Act 1944

which received the assent of His Highness the Maharaja on the 20th day of January 1944, be published as Act No. ~~IX~~ X of 1944, in the *Mysore Gazette*, for general information.

BVR 31.1.44

*General Secretary to Government.*

BVN 31/1 Law Department

To

1) The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2) The Translation Section

# THE MYSORE PUBLIC HEALTH BILL.

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2. Commencement.
3. Definitions.

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*Public Health Board.*

4. Constitution of the Public Health Board.
5. Functions of the Public Health Board.

*Powers of the Government and of the Director of Public Health.*

6. Powers of the Government and of the Director of Public Health and his staff.
7. Powers of Government to direct performance by District Board of any function devolving on panchayets.
8. Powers of the Director of Public Health to advise local authorities.

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9. Public Health staff in local areas.
10. Appointment of the Health Officer.
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15. Health Officer's control over public health staff.
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17. Authorization of Health Officer to perform the functions of executive authority in public health matters.

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*(As passed by the Legislative Council.)*

# THE MYSORE PUBLIC HEALTH BILL.

## A Bill to make provision for advancing the Public Health of the State of Mysore.

WHEREAS it is expedient to make provision for advancing the public health of Mysore; It is hereby enacted as follows:—

### CHAPTER I.

### PRELIMINARY.

1. (1) This Act may be called the Mysore Public Health Act, 194 .

(2) It extends to the whole of Mysore.

2. (1) The provisions of this Act, except Chapter IX and Part III of Chapter X, shall come into force in the whole of Mysore at once.

Short title and extent.

(2) The Government may, from time to time, by notification, extend all or any of the provisions of Chapter IX to any local area in Mysore, and may cancel or modify any such notification.

Commencement.

(3) (*a*) The provisions of Part III of Chapter X shall come into force at once—

(i) in the cities of Bangalore and Mysore; and

(ii) in every local area which has been, or may hereafter be, declared to be a municipality under Mysore Town and Minor Municipalities Acts, 1933.

(*b*) The Government may, from time to time, by notification, extend the provisions of Part III of Chapter X to any other local area in Mysore and may cancel or modify any such notification.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Building" includes—

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations; and

(c) a boat, tent, van and any other such structure used for human habitation.

(2) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and the young ones of these species.

(3) "Dairy" includes—

(a) any farm, cattle-shed, milk-store, milk-shop or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, butter-milk, or dried, sterilized or condensed milk; and

(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk, but does not include—

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place.

(4) "Dairyman" includes any person who sells milk, whether wholesale or by retail.

(5) "Drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water.

(6) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.

(7) "Dwelling house" means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connexion therewith.

(8) "Executive Authority" means the Commissioner, President, or other functionary of the local authority concerned,

who is vested with general executive powers under the Act or Rule constituting the local authority."

(9) "Executive Officer" means the paid officer, if any, of the local authority who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

(10) "Factory" means any premises including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency.

(11) "Filth" means—

(a) night-soil and other contents of latrines, cesspools and drains;

(b) dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(c) putrid and putrefying substances.

(12) "Food" includes every article consumed or used by man, for food, drink, or chewing, and all materials used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments.

(13) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the District.

(14) "House-drain" means any drain actually used, or intended to be used, for the drainage of one or more premises.

(15) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch or metallic sheets, and includes any temporary structure of whatever size or any small building of whatever material made, which the local authority may declare to be a hut for the purposes of this Act.

(16) "Infectious disease" means an infectious disease as defined in section 53 and includes notified disease as defined in section 63.

(17) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flush-out.

(18) "Local area" means the area within the jurisdiction of a local authority.

(19) "Local authority" means—

(a) in any municipal area, the municipal council concerned;

(b) in any area in a district, which is comprised within the jurisdiction of a panchayat, a Sanitary Board or a Town Board, the panchayat, Sanitary Board or Town Board concerned, or if under section 7 the

Government so direct in respect of any function, the district board concerned in respect of such function; and

(c) in the case of all areas in a district which are not comprised within the jurisdiction of a panchayat, Sanitary Board or Town Board, the district board concerned.

(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board.

(21) "Lodging house" means a hotel, a boarding house, a choultry, dharmasala or rest-house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include—

(a) a students' hostel under public or recognized control, or

(b) a house licensed under section 125 for accommodating visitors to a fair or festival, or

(c) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both.

(22) "Magistrate" does not include an honorary magistrate.

(23) "Milk" means the milk of a cow, buffalo, goat, ass, or other animal and includes cream, skimmed milk, separated milk, and condensed, sterilized or desiccated milk, or any other product of milk.

(24) "Notification" means a notification in the Official Gazette.

(25) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.

(26) "Occupier" includes—

(a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and

(b) a rent-free occupant.

(27) "Offensive matter" includes—

(a) filth as defined in clause (11);

(b) sewage as defined in clause (32); and

(c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper.

(28) "Offensive trade" means any trade in which the substances dealt with are, or are likely to become, a nuisance.

(29) "Owner", includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connexion with which the word is used.

(30) "Prescribed" means prescribed by the Government by rules made under this Act.

(31) "Private street" means any street, road, square, court, alley, lane, passage or riding path which is not a "public street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises.

(32) "Public street" means any street, road, square, court, alley, lane, passage or riding path, whether a thoroughfare or not, over which the public have a right of way and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, verandah, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Government.

(33) "Sanitary convenience" includes a latrine.

(34) "Sewage" means night-soil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds.

(35) "Street" means a public or a private street.

(36) "Urban local area" means the area within the jurisdiction of an urban local authority.

(37) "Urban local authority" means—

(a) a municipal council; or

(b) any panchayat notified by Government as an urban local authority for the purposes of this Act, so long as the notification remains in force.

(38) "Venereal disease" means syphilis, gonorrhœa soft chancre, venereal granuloma or lympho granuloma.

(39) "Water-course" includes any river, stream or channel whether natural or artificial, other than a drain.

(40) "Workplace" means any premises including the precincts thereof, (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration.

(41) "workshop" means any premises including the precincts thereof (not being a factory), wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

## CHAPTER II.

## CONTROLLING AUTHORITIES AND THEIR POWERS.

### Public Health Board.

Constitution of the Public Health Board.

4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board consisting of the following members, namely:—

(a) The Minister in charge of Public Health;
(b) The Senior Surgeon in Mysore;
(c) Two members of the Legislative Council elected by it;
(d) Two members of the Representative Assembly elected by it;
(e) Two persons who have had experience in public health work nominated by the Government;
(f) the Director of Public Health.

(2) Members elected under clauses (c) and (d) of sub-section (1) shall hold offices for a period of one year from the date of election, but shall be eligible for re-election.

(3) The Minister in charge of Public Health shall be the President of the Public Health Board and the Director of Public Health shall be its Secretary.

Functions of the Public Health Board.

5. (1) The Public Health Board shall advise the Government on such matters as the Government may from time to time refer to it.

(2) The meetings of the Board and the mode of transaction of business of such meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary, or any member.

(4) It will be competent for any two members of the Board to move propositions in regard to public health in Mysore and the working of the Mysore Public Health Act and call for a meeting of the Board for their consideration.

### Powers of the Government and of the Director of Public Health.

Powers of the Government and of the Director of Public Health and his staff.

6. (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act, and may from time to time give such directions as it may deem necessary.

(2) The Government may, from time to time, define the powers to be exercised, and the duties to be performed, by the Director of Public Health or any member of his staff for the purposes of sub-section (1).

7. (1) The Government may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district board and not the panchayat, Sanitary Board or Town Board shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayat, Sanitary Board or Town Board.

Power of Government to direct performance by district board of any function devolving on panchayats.

(2) Where a direction is issued under sub-section (1) in respect of any function, the Government may, by general or special order—

(a) determine, or provide for the determination of, the expenses incurred by the district board in performing such function in the area or areas comprised within the jurisdiction of any panchayet or panchayets, or Sanitary Board or Town Board or Boards, and

(b) apportion, or provide for the apportionment of, such expenses between the district board and the panchayat or panchayats or Sanitary Board or Town Board or Boards concerned.

8. The Director of Public Health may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein:

Powers of the Director of Public Health to advise local authorities.

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

**Public Health Establishments of Local Authorities.**

9. (1) The public health establishment of every local authority shall be on such scale as the Government in consultation with the concerned local authority may from time to time direct.

Public Health staff in local areas.

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in any Act or Rule constituting a local body be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the Director of Public Health shall have disciplinary control over the members of such public health establishments.

Appointment of the Health Officer.

10. (1) A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule,

(2) Notwithstanding anything contained in any Act or Rule constituting a local body, the Government,—

(a) shall appoint the Health Officers of all the local authorities in respect whereof a direction is issued under sub-section (1); and

(b) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

No orders under (a) and (b) of sub-clause (2) shall be issued unless the opinion of the concerned local body has been obtained previously.

Appointment of temporary Health Officers in emergencies.

11. (1) In the event of the prevalence of threatened outbreak of any infectious disease in any local area, or of and unusual mortality therein, the Government may by order, appoint temporarily for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of, and preventing, such mortality, as the case may be.

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Mysore Medical Registration Act, 1931, either on an honorary basis or on such salary or allowances or both as the Government may fix. The salary and allowances shall be payable from the funds of the local authority.

Delegation of powers of Health Officer.

12. The Government may, by general or special order, authorize any officer of the Government or of a local authority, to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control and revision, as may be specified in such order.

Appointment of persons to carry out the provisions of this Act.

13. (1) Notwithstanding anything contained in this Act or in any other Act or Acts or Rule governing thelocal authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act, and in such areas, as may be specified in the order.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, and, where more than one local authority is concerned, in such proportions, as may be determined by the Government.

14. (1) Subject to such rules as may be prescribed including rules for consultation with the executive authorities concerned, the Director of Public Health shall have power—

Powers of Director of Public Health over public health staff of local authorities.

(a) to transfer any member of the public health establishment of a local authority to the public health establishment of another local authority; and

(b) in times of emergency, to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.

(2) In the case referred to in clause (b) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working, shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

15. (1) The Health Officer in charge of any local area shall exercise supervision and control over all other members of the public health establishment in such area.

Health Officer's control over public health staff.

(2) (a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

(b) If for any reason the executive authority disagrees with the orders of the Health Officer under clause (a), the executive authority shall refer the matter to the Government whose decision shall be final.

16. Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery, and forms as may be necessary for the proper conduct of the business of such Health Officer.

Local authority to provide adequate facilities to the Health Officer.

17. Notwithstanding anything contained in any Act or Rule constituting a local body and the Mysore Prevention of Adulteration Act, 1921, the Health Officer of a local authority shall perform such of the functions, and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order, determine.

Authorization of Health Officer to perform the functions of executive authority in public health matters.

## CHAPTER III.

### WATER-SUPPLY.

Local authority to provide potable water.

18. (1) Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.

(2) The local authority shall, so far as may be practiable, make adequate provision for securing—

(*a*) that the water-supply is continuous throughout the year, and

(*b*) that the water supplied is at all times wholesome and fit for human consumption.

(3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for non-domestic purposes.

Power of Government to direct local authority to execute water-works.

19. (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated, to execute within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the Government—

(*a*) construct, lay, or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water;

(*b*) purchase or take on lease any water-work, or any water, or any right to store or to take or convey water, either within or without the limits of its local area; and

(*c*) contract with any local authority or other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply, whether within or without the limits of its local area (other than a source under the control of the Government), from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

20. The Government shall have power to take water from any water-main belonging to, or in the control of, a local authority for supplying water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable:

Power of Government to divert water from water-main belonging to local authority.

Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal, and consider its explanations or objections, if any.

21. (1) The Deputy Commissioner of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining,—

Power of Deputy Commissioner in regard to water-supply

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken, and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

(2) The Deputy Commissioner or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be:

Provided, that before issuing a notice under this sub-section, the Deputy Commissioner or other officer shall give the authorities or persons affected, a reasonable opportunity to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Deputy Commissioner or other officer under sub-section (2), an appeal shall lie to the Government whose decision shall be final.

(4) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom, and the period within which, they are to be executed.

(b) The notice shall either—

(i) be published in the prescribed manner; or

(ii) be served on the local authority or on the person owning or having control over the source of water-supply, as the case may be, in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

(6) (*a*) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned.

(*b*) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who, on inquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

*Explanation.*—For the purposes of this sub-section, 'water-tax' means—

(*a*) a tax levied under section 26 of this Act, or

(*b*) a water and drainage-tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body.

Power of Director of Public Health to direct local authority to improve water-supply.

22. If the Director of Public Health is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable, he may, by order, direct the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

Railway administrations to submit samples of drinking water for analysis.

23. In the case of any railway in Mysore State, the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government such fee as may be prescribed by them.

Rules for the protection and periodical examination of water.

24. The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in Mysore.

25. (1) The Health Officer may at any time, by written notice require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (*d*) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof— Health Officer's powers in regard to insanitary sources.

(*a*) keep and maintain any such source of supply in such manner as the Health Officer may direct; or

(*b*) cleanse any such source of water-supply from silt, refuse and vegetation; or

(*c*) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or

(*d*) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is in his opinion dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approachthe same; or

(*e*) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(*f*) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion the water is unfit for drinking; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighbourhood:

Provided that the provisions of clauses (*a*) and (*d*) shall not apply to a stream:

Provided further that a notice shall not be issued under clause (*f*) unless a notice has first been issued under clause (*e*) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under clause (*f*).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or

safety of any person or persons, at once proceed to execute the work specified in such notice; and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over such source of water-supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or which, in the opinion of the local authority, have been necessarily incurred by the owner of, or person having control over, the source of water-supply shall be paid from the funds of the local authority.

Levy of water-tax and earmarking the proceeds for water-works

26. (1) Any local authority may with the previous sanction of the Government, and shall, if so directed by them, levy within its area or any part thereof, any tax which may be necessary for providing water-supply in such area or part:

(2) Any tax levided under sub-section (1) may be a new tax levied on such basis assessed and realized in such manner as may be sanctioned or directed by the Government, or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned, in which case all the provisions of such law relating to the incidence, assessment or realization of a tax under such head or in any manner connected therewith shall be applicable to the tax or additional tax, with such modifications and restrictions, if any, as may be prescribed.

(3) (*a*) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax is levied by the local authority of its own motion, and by the Government in case the tax is levied at their direction.

(*b*) The local authority may with the previous sanction of the Government and shall, if so directed by them, alter the rates at which any such tax is to be levied.

(4) (*a*) Every local authority levying a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of works of water-supply in the local area or part thereof within which it is levied.

(*b*) Such revenue shall be expended in accordance with such orders as may be issued by the Government in this behalf.

(5) Nothing contained in this section shall be deemed to affect the power of any local body to levy a water and drainage tax.

27. No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

**New house not to be occupied without adequate water-supply.**

## CHAPTER IV.

### DRAINAGE.

28. (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.

**Local authority to maintain public drains.**

(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by it in this behalf, such works as may be considered necessary by it.

(3) The local authority shall at all times keep in good repair all drains, cess-pools and the like vested in or belonging to it.

29. (1) If any premises are in the opinion of the Health Officer without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

**Power of Health Officer to require drains to be constructed**

Provided that—

(*a*) the cost of constructing that portion of the drain which is situated more than fifty feet from the said premises, shall be paid from out of the funds of the local authority concerned; and

(*b*) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the promises to construct—

(i) a closed cess-pool, tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cess-pool, tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct

or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed

Drains in private streets.

30. Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first-mentioned drain and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connexion to be made:

Provided that no such connexion shall be made—

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned; or

(b) in default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned, has been duly made.

Drainage for huts.

31. (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such material, as may be considered by the Health Officer to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

Drainage of court, yard, alley, passage, etc.

32. For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any court, yard, alley, lane, passage or open space—

(a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

(b) to raise the level of such court, yard, alley, lane, passage or open space.

*Explanation.*—It shall be open to the Health Officer to require that in any case both the measures specified in clauses (a) and (b) of this section shall be taken.

Construction and closure of cess-pools.

33. (1) No person shall construct a cess-pool—

(a) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within

such other distance therefrom as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

(2) The Health Officer may, at any time, by notice, require any person within whose premises any cess-pool is constructed in contravention of sub-section (1) to remove such cess-pool or to fill it up with such material as may be approved by him.

Prohibition of occupation of new building without drains.

34. No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

Sullage or sewage not to be let out into streets.

35. No person having control over any building or land shall cause or allow—

(a) the water of any sink, sewer, latrine or sanitary convenience, or any other liquid or other matter which is, or is likely to become, offensive, to run or drain into, or to be thrown or put upon, any street or open space or to soak through any external wall; or

(b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

Injurious refuse not to be discharged into public drain.

36. No person shall, save as may be generally or specially prescribed, throw, empty, or turn, or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain—

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of such contents; or

(b) any liquid being refuse or stream or other liquid which is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive or inflammable substance.

Pollution of water-courses prohibited.

37. No person shall, save as may be generally or specially prescribed—

(1) put, or cause to be put, or cause to fall or flow or be carried, or knowingly permit to be put or to fall or flow or be carried, into any water-course—

(a) any solid or liquid sewage matter, or

(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as either singly or in combination with other similar acts of the same or any other person, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighbourhood of any water-course.

## CHAPTER V.

### SANITARY CONVENIENCES.

Obligation of local authority to provide public sanitary conveniences.

38. Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

New houses to be provided with sanitary conveniences.

39. If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

Additional sanitary conveniences.

40. (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences provided therein are insufficient, having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary grounds, he may, by notice, in writing, require the owner of such building—

(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions as may be specified in the notice; or

(b) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

Mode of construction of latrines.

41. (1) All latrines shall—

(a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and

(b) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be a nuisance or offensive to public decency, the Health Officer may, by notice, in writing, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connexion therewith.

## CHAPTER VI.

### ABATEMENT OF NUISANCES.

Certain things to be nuisances.

42. Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (24) of Section 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter :—

(1) Any premises in such a state as to be prejudicial to health or a nuisance;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cess-pool, drain or ash-pit which is so foul or in such a state as to be prejudicial to health or a nuisance;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;

(5) any factory (not being a factory governed by the provision of the Mysore Factories Act, 1936), workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so over-crowded while work is carried on as to be prejudicial to the health of those employed therein;

(6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bake-house or gaswork, or in any manufacturing or trade process whatsoever;

(7) any chimney sending forth smoke in such quantity as to be a nuisance; and

(8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood.

Detection of nuisance.

43. Every urban local authority shall—

(a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist therein calling for

abatement under the powers conferred on such authority by this Act; and

(*b*) enforce the provisions of this Act in order to abate such nuisances.

Information regarding nuisance.

44. Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the public health establishment of the local authority.

Power of Health Officer to abate nuisance.

45. If the Health Officer is satisfied, whether upon information given under section 44 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that—

(*a*) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

(*b*) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

Power of local authority to abate nuisance

46. If the person on whom a notice to abate a nuisance has been served under section 45, makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

Provision regarding house rendered unfit for occupation by reason of nuisance.

47. Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not being a magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor and the Magistrate shall, after enquiry, pass such order as he deems fit.

Disposal of articles removed while abating nuisance.

48. (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

(2) A local authority selling any materials under sub-section (1) shall pay the sale-proceeds to the person to whom the materials belonged, after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

Powers of entry and inspection

49. The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that—

(*a*) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;

(*b*) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry;

(*c*) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

Power of Government in case of default by local authority.

50. If the local authority or its Health Officer makes default in doing its or his duty under this Act in regard to the abatement or prevention of nuisances, the Government may authorize any of its officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

Nuisance caused by act or omission outside local area.

51. If a nuisance under this Act within, or affecting any part of, a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, authorized by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

Prohibition of the deposit of rubbish, etc., in street etc.

52. (1) No person shall deposit, or cause or suffer any member of his family or household to deposit, any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other

rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street, or on any open space (not being private property), or on the bank of any water-course, except in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.

(2) No person shall ease himself, or cause, permit or suffer any member of his family or household to ease himself, in any such street, arch, drain, open space or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

## CHAPTER VII.

### PREVENTION, NOTIFICATION AND TREATMENT OF DISEASES.

### PART I.

#### Infectious Diseases in General.

**Infectious diseases.**

53. For the purposes of this Part, 'infectious disease mean.—

(*a*) acute influenzal pneumonia, (*b*) anthrax, (*c*) cerebro-spinal fever, (*d*) chicken-pox, (*e*) cholera, (*f*) diphtheria, (*g*) enteric fever, (*h*) leprosy, (*i*) measles, (*j*) plague, (*k*) rabies, (*l*) relapsing fever, (*m*) scarlet fever, (*n*) small-pox, (*o*) tuberculosis, (*p*) typhus or (*q*) any other disease which the Government may from time to time by notification declare to be an infectious disease either generally throughout Mysore or in such part or parts thereof as may be specified in the notification.

**Appointment of additional health staff.**

54. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be:

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the Director of Public Health whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary; and expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

Provision and maintenance of isolation hospitals and wards.

55. (1) (a) The local authority may, and if so required by the Government shall, provide or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(b) For the purpose of the reception and treatment of such persons a local authority may—

(i) itself build such hospitals, wards or places of reception, or

(ii) contract for the use of any such hospital or part of a hospital or place of reception; or

(iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.

(c) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the Director of Public Health.

Provision of ambulances, etc.

56. A local authority may, and if so required by the Director of Public Health shall,—

(a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease; and

(b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

Medical practitioners to give information of certain infectious diseases

57. Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay—

(a) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector; and

(b) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village patel.

*Explanation.*—In this section, 'medical practitioner' includes a *hakim* or *vaidya*, whether registered or not.

Prohibition of the use of water from suspected source.

58. (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

Removal of infected person to hospital.

59. (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person—

(a) (i) is without proper lodging or accommodation; or
(ii) is lodged in a place occupied by more than one family; or
(iii) is without medical supervision directed to the prevention of the spread of the disease; or
(iv) is in a place where his presence is a danger to the people in the neighbourhood; and

(b) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment,

the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman who, according to custom, does not appear in public, is removed to any such hospital or place:—

(i) the removal shall be effected in such a way as to preserve her privacy; and
(ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place.

(3) No person shall leave, or be taken away from any hospital or other place referred to in sub-section (1) without the permission of the medical officer-in-charge.

(4) Whoever—

(a) obstructs the removal of any person to any hospital or other place under sub-section (1), or
(b) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3),

shall be punished with imprisonment which may extend to three months, or with fine, or with both.

Prohibition of the exposure of other persons to infection.

60. (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in—

(a) any market, theatre or other place of entertainment or assembly, or

(b) any school, college, play-ground or such other place, or
(c) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(d) any factory or shop.

*Explanation.*—A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

**Infected persons not to engage in certain trades and occupations.**

No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease:—

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or
(b) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

**Prevention of infectious diseases transmissible from animals.**

62. If in any local area, any infectious disease transmissible to man breaks out or is in the opinion of the Health Officer likely to break out, amongst cattle, or other animals, it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

## PART II.

### Notified Infectious Diseases.

**Notified diseases.**

63. In this Part, notified disease means:—
(a) cerebro-spinal fever,
(b) chicken-pox,
(c) cholera,
(d) diphtheria,
(e) leprosy,

(*f*) measles,
(*g*) plague,
(*h*) rabies,
(*i*) scarlet fever,
(*j*) small-pox,
(*k*) typhus, or
(*l*) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this part either generally throughout the State or in such part or parts thereof as may be specified in the notification.

**Occupation of houses to prevent the spread of infection.**

64. (1) The Health Officer may, in cases of emergency, with the sanction of the Deputy Commissioner, enter upon, occupy and use, or depute any person to enter upon, occupy and use without having recourse to the provisions of the Mysore Land Acquisition Act, 1894, any building or place which, in the opinion of the Health Officer, is required, and is suitable for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Deputy Commissioner.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

**Information regarding notified disease.**

65. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital, and

every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease,

shall, if the case has not been already reported, give information of the same with the least practicable delay—

(*a*) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector, and

(b) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village patel.

*Explanation.*—In iths section, 'medical practitioner' includes *hakim* or *vaidya*, whether registered or not.

Power of entry of local officers to take preventive measures.

66. (1) The Health Officer or any person authorized by him in this behalf may—

(a) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and

(b) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in municipal areas, be exercised also by the executive authority or any person authorized by such authority.

Destruction of hut or shed to prevent spread of infection

67 (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1); but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Closure of lodging houses.

68. If, on the application of the Health Officer, a Magistrate (not being a magistrate of the third class) is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

Infected clothes not to be sent to laundry.

69. No person shall—

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been

exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of, the Health Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

**Infected persons not to use public conveyance**

70. (1) No person who knows that he is suffering from a notified disease shall—

(*a*) enter any public conveyance used for the conveyance of passengers at separate fares, or

(*b*) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried—

(*a*) in any public conveyance used for the conveyance of passengers at separate fares, or

(*b*) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in charge of a public conveyance in which a person suffering

from a notified disease has been conveyed shall provide for its disinfection.

71. No person shall, without a special permit from the Health Officer, let or sub-let, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has been suffering from a notified disease, within the three months immediately preceding.

Letting or sub-letting building occupied by an infected person.

72. (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in—

Prohibition of the exposure of other persons to infection.

(a) any street or public place, or
(b) any market, theatre or other place of entertainment or assembly, or
(c) any school, college, play-ground or such other place, or
(d) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(e) any factory or shop.

*Explanation.*—A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

73. (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

Forbidding work in infected premises.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel

and any work incidental thereto, and to such other classes of work as may from time to time be notified by the Director of Public Health.

Prohibition of use of public library by infected person.

74. No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

Disposal of bodies of persons dying while suffering from notified disease.

75. (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to, the body.

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3) (*a*) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building,

any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(*b*) A Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(*c*) The expenses of the removal and disposal of any body under clause (*a*) or clause (*b*) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(4) (*a*) If any person dies in a hospital or a place of temporary accommodation for the sick, while suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(*b*) When the body is removed for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning ground or a crematorium, and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

Power of Magistrate to prohibit an assembly of more than fifty persons.

76. In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate having local jurisdiction shall have power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

Power of Government to confer special powers on officers to control notified diseases.

77. (1) (*a*) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, the Government may declare that such place or area is visited by, or threatened with, an outbreak of such disease.

(*b*) The power conferred on the Government by clause (*a*) may also be exercised, in the case of a place or area situated in a district, by the Deputy Commissioner of the district subject to the control of the Government.

(*c*) Any declaration made by the Government under clause (*a*) or withdrawal thereof in whole or in part shall be published in the Official Gazette and shall come into operation on the date of such publication.

(*d*) Any declaration made by the Deputy Commissioner under clause (*b*) or withdrawal thereof in whole or in part shall be published in the Official Gazette, and shall come into operation on the date of such publication.

(2) When a declaration under clause (*a*) or clause (*b*) of sub-section (1) comes into operation and until it is withdrawn, the Deputy Commissioner of the district or any person duly authorized by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the local authority concerned or any officer of the Government other than the Deputy Commissioner may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed, either

generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely:—

(*a*) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(*b*) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);

(*c*) power to direct—

(i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;

(*d*) power to take such measures as may be necessary—

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including, in case (i) the placing of restrictions on the movements of such persons, and in case (ii), the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area;

(*e*) power to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner; and

(*f*) power to close all or any existing markets and to appoint special places where markets may be held.

(3) (*a*) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (*b*) of sub-section (2), declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be,

Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (*b*) and no exemption shall be granted to any person who has been so convicted.

(*b*) Any person who commits a breach of any undertaking given by him under clause (*a*) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

(4) The local authority may, in its discretion, give compensation to any person who in its opinion has sustained substantial loss by the destruction of any property under the powers conferred by this section; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

**Destruction of rats, mice, etc.**

78. (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infesting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1), he may either—

(*a*) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(*b*) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty-four hours' previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.

## PART III.

### Venereal Diseases.

**Provision for treatment of venereal diseases by local authorities.**

79. (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for—

(*a*) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases.

(2) The local authority may, for the purpose mentioned in sub-section (1), enter into a contract—

(a) with any other local authority, or

(b) with a hospital or medical institution recognized by the Government in this behalf, or

(c) with the sanction of the Government, with any medical practitioner registered under the Mysore Medical Registration Act, 1931.

Patient to be instructed in methods of prevention of the spread of venereal disease.

80. Every physician or other person treating, or examining with a view to treatment, a person having a venereal disease shall, at the first visit—

(a) impress upon such person the necessity for treatment until the cure is effected;

(b) instruct him in regard to the measures necessary for preventing the spread of the disease; and

(c) furnish him with such other information relating to the disease as may be provided by the Director of Public Health.

Certain medical practitioners to certify as to freedom from venereal disease.

81. Every medical practitioner registered under the Mysore Medical Registration Act, 1931, and included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that such person is not suffering from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

## PART IV.

### Power to make rules.

Rules for the prevention, treatment and control of certain diseases.

82. The Government shall have power to make such rules as it deems fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

## CHAPTER VIII.

### MATERNITY AND CHILD-WELFARE.

Local authority to carry out maternity and child-welfare measures.

83. Every local authority shall be bound to carry out such measures pertaining to maternity and child-welfare as may be prescribed.

## CHAPTER IX.

### MOSQUITO CONTROL.

Prohibition of mosquito-breeding in collections of water.

84. (1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extension—

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been so treated as effectively to prevent such breeding.

*Explanation.*—Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvæ in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment o mosquito. breeding places.

85. (1) The Health Officer may, by notice in writing require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the Director of Public Health, as the Health Officer may consider suitable in the circumstances.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter be, due from him to the owner.

Health Officer's powers in case of default.

86. If the person on whom a notice is served under section 85 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it were a property tax.

Protection of anti-mosquito works.

87. Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority, or the owner or occupier at the instance of the Government or any local authority, has constructed any works in such

land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

Prohibition of interference with such works.

88. (1) No person shall, without the consent of the Health Officer, interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or building, by or under the orders of the Health Officer with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

Power of Health staff to enter and inspect premises.

89. For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Sanitary or Assistant Sanitary Inspector may, at all reasonable times, after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

## CHAPTER X.

### SANITATION AND BUILDINGS

### PART I.

#### Residential Areas.

Notification of residential areas.

90. (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issue of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

91. (1) Before issuing a notification under section 90, the local authority shall—

Approval of Director of Public Health and of Director of Town Planning to be obtained for notification.

(a) obtain the approval both of the Director of Public Health and of the Director of Town Planning in regard to—

(i) the suitability of the areas proposed to be reserved for residential purposes; and

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 90; and

(b) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 90 and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the Director of Public Health or the Director of Town Planning, the matter shall be referred to the Government whose decision shall be final.

92. Any person aggrieved by the issue of a notification under section 90, may appeal to the Government whose decision shall be final.

Appeal against notification.

93. Upon the issue of a notification under section 90, the following consequences shall ensue, namely:—

Consequences of notification.

(a) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(b) In the case of any factory, workshop or workplace in existence at the time when the notification comes into force or of any offensive trade in existence at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

*Explanation* (1).—If work in any factory, workshop, or workplace existing at the time when the notification under section 90 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop, or workplace or of such offensive trade, as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohibited under clause (a).

*Explanation* (2).—In the case referred to in Explanation (1), where the period exceeds six months but does not extend to one year, work in the factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without the written permission of the Health Officer unless the Government otherwise order.

Extension of sections 90 to 98 to non-urban local authorities.

94. The Government may, by notification, direct that the provisions of sections 90 to 98 shall apply to any non urban local authority specified in such notification; and thereupon, the provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of section 90 were a reference to the date of publication of the notification under this section.

## PART II.

### Control over Insanitary Buildings.

New building not to be erected on certain sites.

95. No person shall erect a new building on any ground which has been filled up with fæcal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

Cleansing of court, yard or passage used in common.

96. (1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Health Officer, he may cause such court, yard or passage to be swept and cleansed.

(2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings which front or abut on the court or yard, to which the passage affords access, in such proportions as may be determined by the Health Officer.

Dwelling house unfit for human habitation to be vacated.

97. (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation, he may in cases not falling under section 47, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Provided that before making an order under this sub-section, the local authority shall give the owner and the occupier or occupiers, if any, concerned a reasonable opportunity of showing cause why it should not be made.

(2) When any order has been made under sub-section (1), the executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit

the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let or occupy, or permit to be let or occupied, such dwelling house or portion, or any part thereof, as a human habitation.

## PART III.

### Abatement of Overcrowding.

98. In this Part— **Definitions.**

(1) "tenement" means a dwelling house and includes—

(*a*) any part of a dwelling house which is capable of separate occupation; and

(*b*) a students' hostel under public or recognized control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) "landlord" means the immediate landlord or the occupier or occupiers of a tenement.

99. A landlord of a tenement— **Duties of landlord.**

(*a*) shall maintain it in a habitable condition; and

(*b*) except temporarily on occasions such as marriages and the like, shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in a habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

100. The Government shall have power to make rules for determining— **Power to make rules.**

(*a*) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of section 99; and

(*b*) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

## CHAPTER XI.

### LODGING HOUSES.

Lodging houses to be registered.

101. No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

Register of lodging houses.

102. Every executive authority shall keep a register in which shall be entered—

(a) the full name and the place of residence of every person registered as the keeper of a lodging house;

(b) the situation of every such lodging house;

(c) the number of persons authorized to be received in the lodging house; and

(d) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging house.

Conditions of registration and of renewal of registration.

103. (1) An executive authority on receiving from any person an application for registration, or for the renewal of his registration, as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority—

(a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and

(b) may refuse to register, or to renew the registration of, an applicant if he is satisfied that—

(i) the applicant or any person employed or proposed to be employed by the applicant at the lodging house as a deputy or otherwise is not a fit person, whether by reason of age or otherwise, to keep or to be employed at a lodging house; or

(ii) the premises are not suitable for use as a lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire, suitably equipped for use as such; or

(iii) the use of the premises as a lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration, or the renewal of the registration of a person as a keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date, when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If, at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

**Appeal to local authority.**

104. A person aggrieved by the refusal of an executive authority to grant or renew registration under section 103 may appeal to the local authority.

**Rules for the upkeep and maintenance of lodging houses.**

105. The Government shall have power to make rules—

(*a*) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein;

(*b*) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceilings thereof to be lime-washed or treated with some other suitable preparation, at specified intervals;

(*c*) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and

(*d*) generally for the well-ordering of lodging houses.

**Notice to be affixed outside the lodging house.**

106. (1) The keeper of a lodging house shall, if so required by the executive authority, affix, and keep affixed and undefaced and legible, a notice with the words "Registered Lodging House" in some conspicuous place on the outside of the house.

(2) The keeper of a lodging house and every other person having the care and taking part in the management thereof shall at all times allow the executive authority, the Health Officer or any other person authorised by the executive authority or Health Officer in this behalf, to have free access to all parts of the house.

**Cancellation of registration by Court.**

107. When the registered keeper of a lodging house is convicted of any offence under this Chapter or under section 65 or a rule or by-law applicable to him made under this Act, the Court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as a Court thinks fit for being again registered as such keeper.

## CHAPTER XII.

### FOOD CONTROL.

108. (1) No person shall—

Prohibition of sale of unsound food.

(a) sell, expose or hawk about for sale, or keep, store or prepare for sale, or give or distribute any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or

(b) sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, or give or distribute any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the Court shall, unless and until the contrary is proved, presume—

(a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption, has been kept by such person for sale, and

(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

Punishment for contravening provisions of section 108, through others.

109. (1) Any person who does any of the acts mentioned in sub-section (1) of section 108 or in clauses (a) to (d) of sub-section (1) of section 5 of the Mysore Prevention of Adulteration Act, 1921, through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same.

Flesh of dead animal not to be consumed.

110. No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

*Explanation.*—It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle, or on any other ground.

Importing meat into local area.

111. (1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughterhouse maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that

behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to—

(a) cured or preserved meat, or

(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the course of transit, or

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

Power of Health Officer to enter premises used for food trade

112. The Health Officer may, without notice, enter any place at any time, by day or by night, where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing the same.

Powers of Health Officer to deal with carriers of disease handling food.

113. (1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale.

(2) If on such examination the Health Officer finds that such person is suffering from, or harbouring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease.

Investigation of diseases caused by milk or dairy produce.

114. (1) If the Health Officer has reason to believe—

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area, or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease,

the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the limits of the local area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained, not directly from a dairy but through some other person, the

Health Officer may make a similar requisition upon such other person.

(3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

Inspection of dairy by Health Officer.

115. (1) The Health Officer may inspect any dairy referred to in section 114 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order is made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or the employees objected to by him have ceased to work at the dairy, or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1) the Health Officer may either—

(*a*) permit the milk or other produce of the dairy, after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or

(*b*) cause such milk or dairy produce to be destroyed.

(5) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

## CHAPTER XIII

### FAIRS AND FESTIVALS.

Notification of fairs and festivals by Government.

116. (1) The Government may, by notification—

(*a*) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre for such period as may be specified in the notification ; and

(*b*) define the limits of the area which shall, for the purposes aforesaid, be the site for the fair or festival.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connexion with which a notification under sub-section (1) has been issued.

117. (1) The Government or the local authority with the approval of the Government, may, by notification, impose, during a period to be specified in the notification, a tax on persons leaving a notified fair or festival centre or any place within such distance therefrom as may be specified in the notification. Levy of pilgrim tax.

(2) Every such notification shall specify the rates at which the tax shall be levied:

Provided that the tax shall not exceed two annas for every person.

(3) The Government shall have power to make rules regarding—

(a) the collection of the tax;

(b) the ascertainment of the expenses incurred in collecting the tax;

(c) in case the tax is collected by any authority (other than the local authority concerned) or any person, the payment of the proceeds of the tax after deducting the expenses of collecting the same, to the local authority;

(d) in the case referred to in clause (c), the returns and information to be furnished by the authority or person collecting the tax to the local authority concerned, and the decision of disputes between the authority or person aforesaid and such local authority; and

(e) the decision of disputes between two or more local authorities.

118. (1) The Government, or the local authority with the approval of the Government, may, by notification, levy tolls on any vehicle (other than a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates, and subject to such exemptions, as may be specified in the notification. Levy of tolls on vehicles.

(2) The Government shall have power to make rules regarding—

(a) the collection of tolls;

(b) the composition of the tolls payable by any person;

(c) the seizure, detention and disposal of any vehicle or animal in respect of which toll is not paid;

(d) the duty of the police to assist persons authorised to collect tolls and the powers of the police in that behalf; and

(e) the penalties to be imposed in case of evasion of tolls or of resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid.

119. (1) The person or authority in charge of any fair or festival shall, not less than sixty days before its commencement, intimate to the executive authority or Health Officer of the local Notice to be given of fair or festival.

authority concerned, or in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of the commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned.

**Sanitary arrangements, etc.**

120. The local authority within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly shall make provision for—

(1) the demarcation and preparation of the site of the fair or festival;

(2) the clearing and draining of the site;

(3) the disposition of the several parts of the fair or festival, including the alignment of roads within the site;

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and the proper preservation of such water;

(5) the accommodation of pilgrims and visitors to such extent as may be practicable;

(6) the lighting of the fair or festival centre;

(7) the supply by suitable persons of wholesome food, at reasonable rates, and in such quantities as may be necessary to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival centre;

(8) the collection, removal and disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival;

(10) the detection and segregation of cases of infectious diseases and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and

(12) such other purposes as may be prescribed.

**Health Officer to supervise the arrangements.**

121. The arrangements mentioned in section 120 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local authorities designated by the person or committee referred to in section 120 or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned within their respective local areas.

122. (1) The Health Officer, or a Sanitary or Assistant Sanitary Inspector of the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may— **Power to enter and seize unwholesome food.**

(a) enter and inspect any building or shop in the fair or festival centre, which is a source of food supply;

(b) for the purpose of inspection, have access to any source of water supply on such centre or within such distance therefrom as the Government may, by general or special order, determine; and

(c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival centre which he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if, in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2) (a) Any officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed, and any expenses incurred in his behalf (including the cost, if any, of analysing the food or a sample thereof) shall be recoverable from the person from whom the food was seized, as if it were a tax due from him to the local authority or any of the local authorities concerned.

(c) If the authority or person aforesaid is of opinion that such food is wholesome and fit for human consumption, the food shall be returned to the person from whom it was seized; and the cost, if any, of analysing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

123. (1) The local authority may, in cases of emergency, with the sanction of the Deputy Commissioner, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any land or any building not being a dwelling-house in the notified fair or festival centre which, in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation-sheds, latrines, and the like: **Occupation of building, etc., required in connection with fair or festival.**

Provided that if the land or building is occupied, notice shall be given in writing to the occupant or be conspicuously

affixed on such land or building, not less than twenty-four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Deputy Commissioner.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

Control over private sources of water-supply.

124. (1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival site, or within such distance therefrom as the Government may by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

Licensing of houses to accommodate visitors to fair or festival.

125. (1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed, and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3) (*a*) If it appears to the executive authority or the Health Officer, as the case may be, that the house is suitable for accommodating visitors to the fair or festival, he may issue a licence, in the prescribed form and subject to the prescribed conditions, for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the

house, whether as members of the family or as servants of the owner or occupier.

(b) The licence shall also specify—

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licensed house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfilment of such condition, as he may specify.

Extension of provisions of chapter to certain areas.

126. The Government may, by notification and subject to such modifications, if any, as may be specified therein, extend all or any of the foregoing provisions of this Chapter or any other provision in this Act connected therewith, to any local area or part of a local area in which a large number of persons attending a fair or festival held in a notified fair or festival centre halt, or are expected to halt, on their way to, or return from such centre.

## CHAPTER XIV.

### FINANCE.

Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals.

127. If in respect of any fair or festival, any tax or toll is levied under section 117 or section 118 of this Act, or under any Act or Rule constituting a local body, the local authority shall have power to spend the proceeds thereof in connection with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may, by general or special order, authorize.

Earmarking of revenue by local authorities for expenditure on public health.

128. (1) Every municipality shall earmark not less than 30 per cent of its income from all sources other than Government grants, for expenditure on the advancement of public health in its local area, including expenditure on medical relief, and every local body other than a Municipal Council shall similarly earmark not less than 12½ per cent of its income from such sources:

Provided that the Government may, for financial or other reasons, vary the provisions of this sub-section to such extent as it may think fit in the case of any local bodies.

(2) (a) The Government may, by notification authorize any local authority or class of local authorities to incur expenditure on any public health purpose specified in the notification.

notwithstanding anything contained in the Act under which such local authority or authorities have been constituted.

(b) Any expenditure incurred by a local authority, which is authorized by clause (a) shall be taken into account for the purposes of sub-section (1).

## CHAPTER XV.

### RULES, BY-LAWS, PENALTIES, ETC.

Power of Government to make rules.

129. (1) The Government shall, in addition to the rule-making powers conferred on it by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules—

(a) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and

(b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

Penalty for breach of rules.

130. (1) In making a rule under section 82, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable—

(i) with fine which may extend to one hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making and the effect of rules.

131. (1) The power to make rules under this Act shall be subject to the following conditions:—

(a) A draft of the rules shall be published in the *Mysore Gazette*.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(2) All rules made under this Act shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

**By-laws by local authorities.**

132. Any local authority may make by-laws, not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

**Breach of by-laws.**

133. In making a by-law the local authority may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

**Procedure for making or altering by-laws.**

134. By-laws made by a local authority under sections 132 and 133 shall always be subject to the previous sanction of the Government and shall also be subject,—

(*a*) in case the local authority is a City Municipal Council, to sub-sections (2) and (3) of section 51 and section 52 of the Mysore City Municipalities Act, 1933 ; and

(*b*) in case the local authority is a Town Municipal Council, to sub-sections (2) and (3) of section 48 and section 49 of the Mysore Town Municipalities Act, 1933.

**Penalties fo offences against A t. etc.**

135. (1) Whoever,—

(*a*) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I ; or

(*b*) contravenes any rule or order made under any of the provisions so specified ; or

(*c*) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions, shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any of the provisions of this Act specified in the first and second columns of Schedule II ; or

(*b*) contravening any rule or order made under any of the provisions so specified ; or

(*c*) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions ;

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or

requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

*Explanation.*—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

**Penalty for preventing entry of executive authority or Health Officer.**

136. Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

## MISCELLANEOUS.

**Appeal against decisions of Health Officer**

137. (1) An appeal shall be to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, section 45, section 67 or section 95 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed.

**Method of serving notices.**

138. (1) When any notice is required to be given by this Act or by any rule, by-law, regulation or order made under it such notice shall be given—

(*a*) by giving or tendering the notice to such person; or

(*b*) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the local area and his address elsewhere is known to the executive authority, by sending the same to him by post, registered; or

(*d*) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

139. No person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it, unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer or by a person expressly authorized in this behalf by the local authority, the executive authority or the Health Officer: **Cognizance of offences against the Act.**

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1904, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

140. The executive authority or the Health Officer may compound any offence against this Act or the rules or by-laws made thereunder which may, by rules made by the Government, be declared compoundable. **Power to compound offences.**

The power to compound any offence so declared may also be exercised by such other authority or person as may be authorised in that behalf by rules made by the Government.

141. Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or by-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason to believe to be false. **Powers of Police Officers to arrest offenders against Act, etc.**

142. (1) The executive officer of a local authority or any member of the Public Health establishment of a local authority not below the rank of Sanitary or Assistant Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer in charge of the nearest police station as expeditiously as possible. **Powers of executive officer and public health staff to arrest offenders against Act, etc.**

(2) The offences referred to in sub-section (1) are—

(*a*) offences against any of the provisions of this Act, or of any rule or by-law made thereunder; and

(*b*) offences falling under any of the provisions of the Acts, mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction—

(i) sections 130, 131 (1), 150 (1), 150 (2), 151, 152, 153, 154 (1), 158 (a), 158 (b), 161, 162 (1), 162 (2), 165 (1), 165 (2), 167 (2), 168 (2), 172 (1), 172 (2), 172 (3), 174 (4), 175 (5), 178 (5), 180 (3), 181 (2), and 184 of the Mysore City Municipalities Act, 1933;

(ii) sections 119, 120 (1), 136 (1), 136 (2), 137, 138, 139 (1), 143, 144 (1), 144 (2), 145, 147, 148 (2), 150 (1), 151 (1), 152 (5), 154 (4), 156 (5), 157 (3), 158 (2), and 161 of the Mysore Town Municipalities Act, 1933;

(iii) section 95 of the Mysore Minor Municipalities Act, 1933;

(iv) sections 56 and 57 of the Mysore Police Act, 1908; and

(v) section 5 of the Mysore Prevention of Adulteration Act, 1921.

**Persons arrested not to be detained unnecessarily.**

143. No person arrested under section 141 or section 142 shall be detained in custody—

(*a*) after his true name and address have been ascertained, or

(*b*) for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the Court having jurisdiction to try the case.

**Bar of suits and prosecutions in certain cases.**

144. (1) No suit, prosecution or other proceeding shall lie, against any local authority or any executive authority of a local authority, or against the Government or any officer or servant of a local authority or of the Government, or against any person appointed under section 13 of this Act, for any Act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the Government and no person appointed under section 13 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the Act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

**Punishment for malicious abuse of powers.**

145. Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person appointed under section 13 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

*Explanation.*—No prosecution shall be instituted under this section without the previous sanction of the Government.

**Delegation of powers by Government.**

146. The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers

vested in it by this Act and may in like manner withdraw such authority :

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act, or to their powers under sections 2 (2), 2 (3) (b), (9) (2), 128 (1) and 148.

147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order and, subject to any repeal effected by, or other express provision of this Act, all such powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

**Powers of Act to be cumulative**

148. If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to it necessary for the purpose of removing the difficulty.

**Power to remove difficulties.**

# SCHEDULE I.

## ORDINARY PENALTIES.

[*See Section 135 (1).*]

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 25 | (1) | Failure of the owner or other person having control to obey or comply with the directions contained in a notice requiring to keep any well, etc., in good repair, to cleanse it, or protect, etc. | Fifty rupees. |
| 27 | ... | Owner of new dwelling house occupying or permitting its occupation without a supply of wholesome water. | Do |
| 29 | (1) | Failure to comply with notice to provide efficient drainage. | Do |
| 30 | ... | Failure to comply with notice requiring to connect a house drain with an outside drain. | Do |
| 31 | ... | Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land. | One hundred rupees. |
| 32 | ... | Failure to comply with notice for paving or raising the level of any court, yard, etc. | Fifty rupees. |
| 33 | (1) | Unlawful construction of cess-pool or construction of cess-pool on unapproved site. | Do |
| | (2) | Failure to comply with notice requiring removal or closure of cess-pool. | Do |
| 34 | | Occupying or permitting occupation of new building without drain. | One hundred rupees. |
| 35 | ... | Letting out sullage or sewage into a street, etc. | Fifty rupees. |
| 36 | ... | Discharging injurious refuse, etc., into a drain. | One hundred rupees. |
| 37 | ... | Polluting water-course ... | Do |
| 39 | ... | Constructing or reconstructing a building intended for human habitation without a sanitary convenience. | Fifty rupees. |
| 40 | ... | Failure to comply with notice regarding provision of sanitary conveniences or latrines. | Do |
| 41 | (1) | Failure to construct and maintain latrines in the prescribed manner. | Do |

SCHEDULE I—(*contd*).

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| | (2) | Failure to comply with notice regarding removal or improvement of latrines. | Fifty rupees. |
| | (3) | Causing injury to latrines ... | Do |
| 45 | ... | Failure to comply with notice to abate nuisance. | Do |
| 47 | ... | Failure to comply with Magistrate's order prohibiting the use of a house or building. | One hundred rupees. |
| 52 | (1) | Depositing filth, rubbish, etc., in streets. | Twenty-five rupees. |
| | (2) | Easing or permitting a member of the family to ease in a street, etc. | Do |
| | (3) | Failure to cover excreta with earth ... | Five rupees. |
| 57 | ... | Failure to give information regarding existence of certain infectious diseases. | Do |
| 58 | (2) | Failure to comply with notice prohibiting the use of unwholesome water. | One hundred rupees. |
| 60 | ... | Exposing other persons to infection ... | Twenty-five rupees. |
| 61 | (a) | Infected persons carrying on trade in articles of food. | Fifty rupees. |
| | (b) | Infected persons engaging in other occupations without permit. | Do |
| 65 | ... | Failure to give information of notified diseases. | Ten rupees. |
| 68 | ... | Failure to close lodging houses, etc. ... | One hundred rupees. |
| 69 | ... | Sending infected clothes to a laundry or depositing infected articles in a receptacle for refuse matter. | Fifty rupees. |
| 70 | (1),(2),(3) and (5) | Using or permitting use of public conveyance by an infected person. | Do |
| 71 | ... | Letting or sub-letting of infected building without a permit. | Do |
| 72 | ... | Exposing other persons to infection ... | Do |
| 73 | (1) | Failure to comply with notice forbidding work in infected premises. | Do |
| 74 | ... | Use of books from public libraries by infected persons, etc. | Do |
| 75 | (1),(2),(4) and (5) | Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it, etc. | Do |
| 76 | ... | Failure to comply with order prohibiting assemblages of more than 50 persons. | One hundred rupees. |

SCHEDULE I—(*contd.*)

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 77 | (2) | Failure to comply with any order or direction issued by the Deputy Commissioner or other officer. | One thousand rupees. |
| 78 | (1) | Failure to take steps for the destruction of rats, mice, etc. | Twenty rupees. |
| 78 | (2) | Failure to comply with the notice for the destruction of rats, mice, etc. | Fifty rupees. |
| 80 | ... | Failure to give instructions to the person having venereal disease and failure to furnish the required information. | Twenty rupees. |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against breeding of mosquitoes. | Fifty rupees. |
| 87 | ... | Permitting the deterioration of works relating to prevention of the breeding of mosquitoes. | Two hundred rupees. |
| 88 | (1) | Injuring or destroying anti-mosquito works. | Five hundred rupees. |
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | One thousand rupees. |
| | (b) | Failure of factories, workshops, etc., to comply with restrictions imposed. | Five hundred rupees. |
| 95 | ... | Illegal erection of building on insanitary ground. | Two hundred rupees. |
| 97 | (2) and (3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling-house. | Do |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Fifty rupees. |
| | (b) | Causing or permitting a tenement to be overcrowded. | Do |
| 101 | ... | Keeping a lodging house or receiving a lodger without registration. | One hundred rupees. |
| 106 | (1) | Failure to affix notice. | Ten rupees. |
| | (2) | Refusal to allow free access to the executive authority, etc., to all parts of the lodging house. | One hundred rupees. |
| 108 | (1) | Selling, etc., unsound meat or food. | Do |
| 109 | ... | Selling, etc., unsound meat or food through others. | Do |
| 110 | ... | Consuming the flesh of any animal which has died of natural causes. | Do |

SCHEDULE I—(*concld.*)

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 111 | (1) | Unlawfully importing meat from outside the local area. | One hundred rupees. |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | Do |
| 114 | ... | Failure to furnish information regarding the sources of supply of milk or dairy produce. | Fifty rupees. |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Two hundred rupees. |
| 119 | ... | Failure to inform the proper authority about the date and other particulars regarding fair or festival. | Fifty rupees. |
| 124 | ... | Failure to comply with notice to close or disinfect source of water-supply. | One hundred rupees. |
| 125 | (1)and (3) | Accommodating visitors without licence, or infringing conditions of licence. | Fifty rupees. |

# SCHEDULE II.

## PENALTIES FOR CONTINUING BREACHES.

[*See Section 135 (2).*]

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 25 | (1) | Failure of the owner or other person having control to obey or comply with the directions contained in the notice requiring to keep any well, etc., in good repair, to cleanse it or protect, etc, | Ten rupees. |
| 27 | ... | Continuing to occupy a dwelling house or to permit its occupation without a supply of wholesome water. | Do |
| 29 | (1) | Failure to comply with notice to provide efficient drainage. | Do |
| 30 | ... | Failure to comply with notice requiring to connect a house drain with an outside drain. | Do |
| 31 | ... | Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land. | Twenty rupees. |
| 32 | ... | Failure to comply with notice for paving or raising the level of any court, yard, etc. | Ten rupees. |
| 33 | (2) | Failure to comply with notice requiring removal or closure of cess-pool. | Do |
| 35 | ... | Letting out sullage or sewage into a street, etc. | Do |
| 36 | ... | Discharging injurious refuse, etc., into a drain. | Twenty rupees. |
| 37 | ... | Polluting water-course .... | Ten rupees. |
| 39 | ... | Constructing or reconstructing a building intended for human habitation without a sanitary convenience. | Do |
| 40 | ... | Failure to comply with notice regarding provision of sanitary conveniences or latrines. | Do |
| 41 | (2) | Failure to comply with notice requiring removal or improvement of latrines. | Do |
| 45 | ... | Failure to comply with notice to abate nuisance. | Do |
| 47 | ... | Failure to comply with Magistrate's order prohibiting the use of a house or building. | Twenty rupees. |
| 58 | (2) | Failure to comply with notice prohibiting the use of unwholesome water. | Do |
| 60 | ... | Exposing other persons to infection. | Five rupees. |

SCHEDULE II—(*concld.*)

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 61 | (a) | Infected persons carrying on trade in articles of food. | Ten rupees. |
| | (b) | Infected persons engaging in other occupations without permit. | Do |
| | ... | Failure to close lodging houses, etc. | Twenty rupees. |
| | ... | Exposing other persons to infection. | Ten rupees. |
| 73 | (1) | Failure to comply with notice forbidding work in infected premises. | Do |
| 77 | (2) | Failure to comply with any order or direction issued by the Deputy Commissioner or other officer. | One hundred rupees. |
| 78 | (1) | Failure to take steps for the destruction of rats, mice, etc. | Five rupees. |
| | (2) | Failure to comply with notice for the destruction of rats, mice, etc. | Do |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against the breeding of mosquitoes. | Ten rupees. |
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | Two hundred rupees. |
| | (b) | Failure of factories, workshops, etc., to comply with restrictions imposed. | One hundred rupees. |
| 97 | (2) and (3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling house. | Fifty rupees. |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Twenty rupees. |
| | (b) | Causing or permitting a tenement to be overcrowded. | Do |
| 101 | ... | Keeping a lodging house or receiving a lodger without registration. | Fifty rupees. |
| 106 | (1) | Failure to affix notice. | Five rupees. |
| | (2) | Refusal to allow free access to the executive authority, etc., to all parts of the lodging house. | Fifty rupees. |
| 108 | (1) | Selling, etc., unsound meat or food. | Twenty rupees. |
| 109 | ... | Selling, etc., unsound meat or food through others. | Do |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | Do |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Fifty rupees. |
| 124 | ... | Failure to comply with notice to close or disinfect source of water-supply. | Twenty-five rupees. |
| 125 | (1) and (3) | Accommodating visitors without licence or infringing conditions of licence. | Twenty rupees. |

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for PRESIDENT,
LEGISLATIVE COUNCIL.
27/4

FOURTH SCHEDULE—(*contd.*)

| Section | Sub-section or clause | Subject | Fine with which may be punished |
|---|---|---|---|
| 61 | (a) | Infected persons carrying on trade in articles of food. | Ten rupees. |
| | (b) | Infected persons engaging in other occupations without permit. | Do. |
| ... | | Failure to close lodging houses, etc. | Twenty rupees. |
| ... | | Exposing other persons to infection. | Ten rupees. |
| 75 | (1) | Failure to comply with notice forbidding work in infected premises. | |
| 77 | (2) | Failure to comply with any order of Health Officer or Commissioner or other officer. | Five rupees. |
| 78 | (1) | Failure to take steps for the destruction of rats, mice, etc. | Five rupees. |
| | (2) | Failure to comply with rules for the destruction of rats, mice, etc. | |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against the breeding of mosquitoes. | Ten rupees. |
| 93 | (a) | Obstruction of officers, workmen, etc., in visiting premises. | Ten rupees. |
| | (b) | Failure of occupier, workman, peon, etc., to comply with notice. | |
| 97 | (2) and (3) | Failure to [illegible] in lodging houses, [illegible] for [illegible] in letting or allowing to be let or occupied as a dwelling house. | |
| 99 | (a) | Failure to maintain a temporary in a habitable condition. | Twenty rupees. |
| | (b) | Causing or permitting a temporary to be overcrowded. | |
| 101 | ... | Keeping a lodging house or receiving a lodger without registration. | Fifty rupees. |
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ACT No. X OF 1944.

# THE MYSORE PUBLIC HEALTH ACT, 1944.

**An Act to make provision for advancing the Public Health of the State of Mysore.**

*(Received the assent of His Highness the Maharaja on the Twentieth day of January 1944.)*

**Price: 0-4-9**

## NOTIFICATION.

*Order No. Rl.* 533—*Legis.* 39-43-1, *dated Bangalore, the* 1*st February* 1944.

Ordered that the accompanying Mysore Public Health Act, 1944, which received the assent of His Highness the Maharaja on the 20th day of January 1944, be published as Act X of 1944, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
*Secretary to Government,*
*Law Department.*

# THE MYSORE PUBLIC HEALTH ACT, 1944.

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ACT No. X OF 1944.

# THE MYSORE PUBLIC HEALTH ACT 1944.

## An Act to make provision for advancing the Public Health of the State of Mysore.

*(Received the assent of His Highness the Maharaja on the Twentieth day of January 1944.)*

WHEREAS it is expedient to make provision for advancing the public health of Mysore; It is hereby enacted as follows:—

### CHAPTER I.

### PRELIMINARY.

1. (1) This Act may be called the Mysore Public Health Act, 1944.

(2) It extends to the whole of Mysore.

2. (1) The provisions of this Act, except Chapter IX and Part III of Chapter X, shall come into force in the whole of Mysore at once.

Short title and extent.

(2) The Government may, from time to time, by notification, extend all or any of the provisions of Chapter IX to any local area in Mysore, and may cancel or modify any such notification.

Commencement.

(3) (*a*) The provisions of Part III of Chapter X shall come into force at once—

(i) in the cities of Bangalore and Mysore; and

(ii) in every local area which has been, or may hereafter be, declared to be a municipality under Mysore Town and Minor Municipalities Acts, 1933.

(*b*) The Government may, from time to time, by notification, extend the provisions of Part III of Chapter X to any other local area in Mysore and may cancel or modify any such notification.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Building" includes—

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels or simply resting on the ground without foundations; and

(c) a boat, tent, van and any other such structure used for human habitation.

(2) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and the young ones of these species.

(3) "Dairy" includes—

(a) any farm, cattle-shed, milk-store, milk-shop or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, butter-milk, or dried, sterilized or condensed milk; and

(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk, but does not include—

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place.

(4) "Dairyman" includes any person who sells milk, whether wholesale or by retail.

(5) "Drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water.

(6) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.

(7) "Dwelling house" means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connexion therewith.

(8) "Executive Authority" means the Commissioner, President, or other functionary of the local authority concerned.

who is vested with general executive powers under the Act or Rule constituting the local authority"

(9) "Executive Officer" means the paid officer, if any, of the local authority who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule.

(10) "Factory" means any premises including the precincts thereof, wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency.

(11) "Filth" means—

(*a*) night-soil and other contents of latrines, cesspools and drains;

(*b*) dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(*c*) putrid and putrefying substances.

(12) "Food" includes every article consumed or used by man, for food, drink, or chewing, and all materials used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments.

(13) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the District.

(14) "House-drain" means any drain actually used, or intended to be used, for the drainage of one or more premises.

(15) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch, or metallic sheets, and includes any temporary structure of whatever size or any small building of whatever material made, which the local authority may declare to be a hut for the purposes of this Act.

(16) "Infectious disease" means an infectious disease as defined in section 53 and includes notified disease as defined in section 63.

(17) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flush-out.

(18) "Local area" means the area within the jurisdiction of a local authority.

(19) "Local authority" means—

(*a*) in any municipal area, the municipal council concerned;

(*b*) in any area in a district, which is comprised within the jurisdiction of a panchayat, a Sanitary Board or a Town Board, the panchayat, Sanitary Board or Town Board concerned, or if under section 7 the

Government, so direct in respect of any function, the district board concerned in respect of such function; and

(c) in the case of all areas in a district which are not comprised within the jurisdiction of a panchayat, Sanitary Board or Town Board, the district board concerned.

(20) "Local Body" means a District Board, a Municipal Council, a Sanitary Board or a Town Board.

(21) "Lodging house" means a hotel, a boarding house, a choultry, dharmasala or rest-house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include—

(a) a students' hostel under public or recognized control, or

(b) a house licensed under section 125 for accommodating visitors to a fair or festival, or

(c) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both.

(22) "Magistrate" does not include an honorary magistrate.

(23) "Milk" means the milk of a cow, buffalo, goat, ass, or other animal and includes cream, skimmed milk, separated milk, and condensed, sterilized or desiccated milk, or any other product of milk.

(24) "Notification" means a notification in the Official Gazette.

(25) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.

(26) "Occupier" includes—

(a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and

(b) a rent-free occupant.

(27) "Offensive matter" includes—

(a) filth as defined in clause (11);

b) sewage as defined in clause (32); and

c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper.

(28) "Offensive trade" means any trade in which the substances dealt with are, or are likely to become, a nuisance.

(29) "Owner", includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connexion with which the word is used.

(30) "Prescribed" means prescribed by the Government by rules made under this Act.

(31) "Private street" means any street, road, square, court, alley, lane, passage or riding path which is not a "public street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises.

(32) "Public street" means any street, road, square, court, alley, lane, passage or riding path, whether a thoroughfare or not, over which the public have a right of way and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, verandah, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Government.

(33) "Sanitary convenience" includes a latrine.

(34) "Sewage" means night-soil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds.

(35) "Street" means a public or a private street.

(36) "Urban local area" means the area within the jurisdiction of an urban local authority.

(37) "Urban local authority" means—

(a) a municipal council; or

(b) any panchayat notified by Government as an urban local authority for the purposes of this Act, so long as the notification remains in force.

(38) "Venereal disease" means syphilis, gonorrhœa soft chancre, venereal granuloma or lympho granuloma.

(39) "Water-course" includes any river, stream or channel whether natural or artificial, other than a drain.

(40) "Workplace" means any premises including the precincts thereof, (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration.

(41) "workshop" means any premises including the precincts thereof (not being a factory), wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

## CHAPTER II.

### CONTROLLING AUTHORITIES AND THEIR POWERS.

**Public Health Board.**

Constitution of the Public Health Board.

4. (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for Mysore a Public Health Board consisting of the following members, namely:—

(*a*) The Minister in charge of Public Health;
(*b*) The Senior Surgeon in Mysore;
(*c*) Two members of the Legislative Council elected by it;
(*d*) Two members of the Representative Assembly elected by it;
(*e*) Two persons who have had experience in public health work nominated by the Government;
(*f*) the Director of Public Health.

(2) Members elected under clauses (*c*) and (*d*) of sub-section (1) shall hold offices for a period of one year from the date of election, but shall be eligible for re-election.

(3) The Minister in charge of Public Health shall be the President of the Public Health Board and the Director of Public Health shall be its Secretary.

Functions of the Public Health Board.

5. (1) The Public Health Board shall advise the Government on such matters as the Government may from time to time refer to it.

(2) The meetings of the Board and the mode of transaction of business of such meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary, or any member.

(4) It will be competent for any two members of the Board to move propositions in regard to public health in Mysore and the working of the Mysore Public Health Act and call for a meeting of the Board for their consideration.

**Powers of the Government and of the Director of Public Health.**

Powers of the Government and of the Director of Public Health and his staff.

6. (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act, and may from time to time give such directions as it may deem necessary.

(2) The Government may, from time to time, define the powers to be exercised, and the duties to be performed, by the Director of Public Health or any member of his staff for the purposes of sub-section (1).

7. (1) The Government may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district board and not the panchayat, Sanitary Board or Town Board shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayat, Sanitary Board or Town Board.

Power of Government to direct performance by district board of any function devolving on panchayats.

(2) Where a direction is issued under sub-section (1) in respect of any function, the Government may, by general or special order—

(a) determine, or provide for the determination of, the expenses incurred by the district board in performing such function in the area or areas comprised within the jurisdiction of any panchayet or panchayets, or Sanitary Board or Town Board or Boards, and

(b) apportion, or provide for the apportionment of, such expenses between the district board and the panchayat or panchayats or Sanitary Board or Town Board or Boards concerned.

8. The Director of Public Health may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein:

Powers of the Director of Public Health to advise local authorities.

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

## Public Health Establishments of Local Authorities.

9. (1) The public health establishment of every local authority shall be on such scale as the Government, in consultation with the concerned local authority, may from time to time direct.

Public Healh staff in local areas.

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in any Act or Rule constituting a local body be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the Director of Public Health shall have disciplinary control over the members of such public health establishments.

Appointment of the Health Officer.

10. (1) A local authority shall, if so required by the Government, include the post of a Health Officer in its establishment schedule,

(2) Notwithstanding anything contained in any Act or Rule constituting a local body, the Government,—

(a) shall appoint the Health Officers of all the local authorities in respect whereof a direction is issued under sub-section (1) ; and

(b) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

No orders under (a) and (b) of sub-clause (2) shall be issued unless the opinion of the concerned local body has been obtained previously.

Appointment of temporary Health Officers in emergencies.

11. (1) In the event of the prevalence of threatened outbreak of any infectious disease in any local area, or of and unusual mortality therein, the Government may by order, appoint temporarily for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of, and preventing, such mortality, as the case may be.

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Mysore Medical Registration Act, 1931, either on an honorary basis or on such salary or allowances or both as the Government may fix. The salary and allowances shall be payable from the funds of the local authority.

Delegation of powers of Health Officer.

12. The Government may, by general or special order, authorize any officer of the Government or of a local authority, to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control and revision, as may be specified in such order.

Appointment of persons to carry out the provisions of this Act.

13. (1) Notwithstanding anything contained in this Act or in any other Act or Acts or Rule governing thelocal authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act, and in such areas, as may be specified in the order.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, and, where more than one local authority is concerned, in such proportions, as may be determined by the Government.

14. (1) Subject to such rules as may be prescribed including rules for consultation with the executive authorities concerned, the Director of Public Health shall have power—

Powers of Director of Public Health over public health staff of local authorities.

(a) to transfer any member of the public health establishment of a local authority to the public health establishment of another local authority; and

(b) in times of emergency, to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.

(2) In the case referred to in clause (b) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working, shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and compulsory insurance as the Government may, by general or special order, determine.

15. (1) The Health Officer in charge of any local area shall exercise supervision and control over all other members of the public health establishment in such area.

Health Officer's control over public health staff.

(2) (a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

(b) If for any reason the executive authority disagrees with the orders of the Health Officer under clause (a), the executive authority shall refer the matter to the Government whose decision shall be final.

16. Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery, and forms as may be necessary for the proper conduct of the busness of such Health Officer.

Local authority to provide adequate facilities to the Health Officer.

17. Notwithstanding anything contained in any Act or Rule constituting a local body and the Mysore Prevention of Adulteration Act, 1921, the Health Officer of a local authority shall perform sich of the functions, and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order, determine.

Authorization of Health Officer to perform the functions of executive authority in public health matters.

## CHAPTER III.

### WATER-SUPPLY.

Local authority to provide potable water.

18. (1) Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.

(2) The local authority shall, so far as may be practicable, make adequate provision for securing—

(a) that the water-supply is continuous throughout the year, and

(b) that the water supplied is at all times wholesome and fit for human consumption.

(3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for non-domestic purposes.

Power of Government to direct local authority to execute water-works.

19. (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated, to execute within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the Government—

(a) construct, lay, or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water;

(b) purchase or take on lease any water-work, or any water, or any right to store or to take or convey water, either within or without the limits of its local area; and

(c) contract with any local authority or other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply, whether within or without the limits of its local area (other than a source under the control of the Government), from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes

20. The Government shall have power to take water from any water-main belonging to, or in the control of, a local authority for supplying water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable:

Power of Government to divert water from water-main belonging to local authority.

Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal, and consider its explanations or objections, if any.

21. (1) The Deputy Commissioner of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining,—

Power of Deputy Commissioner in regard to water-supply

(*a*) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken, and

(*b*) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

(2) The Deputy Commissioner or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be:

Provided, that before issuing a notice under this sub-section, the Deputy Commissioner or other officer shall give the authorities or persons affected, a reasonable opportunity to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Deputy Commissioner or other officer under sub-section (2), an appeal shall lie to the Government whose decision shall be final.

(4) (*a*) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom, and the period within which, they are to be executed.

(*b*) The notice shall either—

(i) be published in the prescribed manner; or

(ii) be served on the local authority or on the person owning or having control over the source of water-supply, as the case may be, in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

(6) (*a*) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned.

(*b*) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who, on inquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

*Explanation.*—For the purposes of this sub-section, 'water-tax' means—

(*a*) a tax levied under section 26 of this Act, or

(*b*) a water and drainage-tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body.

Power of Director of Public Health to direct local authority to improve water-supply.

22. If the Director of Public Health is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable, he may, by order, direct the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

Railway administrations to submit samples of drinking water for analysis.

23. In the case of any railway in Mysore State, the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government such fee as may be prescribed by them.

Rules for the protection and periodical examination of water-supply.

24. The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in Mysore.

Health Officer's powers in regard to insanitary sources.

25. (1) The Health Officer may at any time, by written notice require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (*d*) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof—

(*a*) keep and maintain any such source of supply in such manner as the Health Officer may direct; or

(*b*) cleanse any such source of water-supply from silt, refuse and vegetation; or

(*c*) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or

(*d*) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is in his opinion dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same; or

(*e*) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(*f*) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion the water is unfit for drinking; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighbourhood:

Provided that the provisions of clauses (*a*) and (*d*) shall not apply to a stream:

Provided further that a notice shall not be issued under clause (*f*) unless a notice has first been issued under clause (*e*) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under clause (*f*).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under subsection (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or

safety of any person or persons, at once proceed to execute the work specified in such notice; and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over such source of water-supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or which, in the opinion of the local authority, have been necessarily incurred by the owner of, or person having control over, the source of water-supply shall be paid from the funds of the local authority.

Levy of water-tax and earmarking the proceeds for water-works.

26. (1) Any local authority may with the previous sanction of the Government, and shall, if so directed by them, levy within its area or any part thereof, any tax which may be necessary for providing water-supply in such area or part.

(2) Any tax levied under sub-section (1) may be a new tax levied on such basis assessed and realized in such manner as may be sanctioned or directed by the Government, or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned, in which case all the provisions of such law relating to the incidence, assessment or realization of a tax under such head or in any manner connected therewith shall be applicable to the tax or additional tax, with such modifications and restrictions, if any, as may be prescribed.

(3) (*a*) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax is levied by the local authority of its own motion, and by the Government in case the tax is levied at their direction.

(*b*) The local authority may with the previous sanction of the Government and shall, if so directed by them, alter the rates at which any such tax is to be levied.

(4) (*a*) Every local authority levying a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of works of water-supply in the local area or part thereof within which it is levied.

(*b*) Such revenue shall be expended in accordance with such orders as may be issued by the Government in this behalf.

(5) Nothing contained in this section shall be deemed to affect the power of any local body to levy a water and drainage tax

27. No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

New house not to be occupied without adequate water-supply.

## CHAPTER IV.

### DRAINAGE.

28. (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.

Local authority to maintain public drains.

(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by it in this behalf, such works as may be considered necessary by it.

(3) The local authority shall at all times keep in good repair all drains, cess-pools and the like vested in or belonging to it.

29. (1) If any premises are in the opinion of the Health Officer without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

Power of Health Officer to require drains to be constructed

Provided that—

(*a*) the cost of constructing that portion of the drain which is situated more than fifty feet from the said premises, shall be paid from out of the funds of the local authority concerned; and

(*b*) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the promises to construct—

(i) a closed cess-pool, tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cess-pool, tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct

or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

Drains in private streets.

30. Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first-mentioned drain and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connexion to be made:

Provided that no such connexion shall be made—

(*a*) except upon such terms as may be mutually agreed upon between or among the owners concerned; or

(*b*) in default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned, has been duly made.

Drainage for huts.

31. (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such material, as may be considered by the Health Officer to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

Drainage of court, yard, alley, passage, etc.

32. For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any court, yard, alley, lane, passage or open space—

(*a*) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

(*b*) to raise the level of such court, yard, alley, lane, passage or open space.

*Explanation.*—It shall be open to the Health Officer to require that in any case both the measures specified in clauses (*a*) and (*b*) of this section shall be taken.

Construction and closure of cess-pools.

33. (1) No person shall construct a cess-pool—

(*a*) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within

such other distance therefrom as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(*b*) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

(2) The Health Officer may, at any time, by notice, require any person within whose premises any cess-pool is constructed in contravention of sub-section (1) to remove such cess-pool or to fill it up with such material as may be approved by him.

Prohibition of occupation of new building without drains.

34. No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

Sullage or sewage not to be let out into streets.

35. No person having control over any building or land shall cause or allow—

(*a*) the water of any sink, sewer, latrine or sanitary convenience, or any other liquid or other matter which is, or is likely to become, offensive, to run or drain into, or to be thrown or put upon, any street or open space or to soak through any external wall; or

(*b*) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

Injurious refuse not to be discharged into public drain.

36. No person shall, save as may be generally or specially prescribed, throw, empty, or turn, or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain—

(*a*) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of such contents; or

(*b*) any liquid being refuse or stream or other liquid which is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(*c*) any explosive or inflammable substance.

Pollution of water-courses prohibited.

37. No person shall, save as may be generally or specially prescribed—

(1) put, or cause to be put, or cause to fall or flow or be carried, or knowingly permit to be put or to fall or flow or be carried, into any water-course—

(*a*) any solid or liquid sewage matter, or

(*b*) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as either singly or in combination with other similar acts of the same or any other person, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighbourhood of any water-course.

## CHAPTER V.

### SANITARY CONVENIENCES.

Obligation of local authority to provide public sanitary conveniences.

38. Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

New houses to be provided with sanitary conveniences.

39. If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

Additional sanitary conveniences.

40. (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences, provided therein are insufficient, having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary grounds, he may, by notice, in writing, require the owner of such building—

(*a*) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice; or

(*b*) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

Mode of construction of latrines.

41. (1) All latrines shall—

(*a*) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and

(*b*) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be a nuisance or offensive to public decency, the Health Officer may, by notice, in writing, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connexion therewith.

## CHAPTER VI.

### ABATEMENT OF NUISANCES.

Certain things to be nuisances.

42. Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (24) of Section 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter :—

(1) Any premises in such a state as to be prejudicial to health or a nuisance ;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cess-pool, drain or ash-pit which is so foul or in such a state as to be prejudicial to health or a nuisance ;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance ;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance ;

(5) any factory (not being a factory governed by the provision of the Mysore Factories Act, 1936), workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so over-crowded while work is carried on as to be prejudicial to the health of those employed therein ;

(6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bake-house or gaswork, or in any manufacturing or trade process whatsoever ;

(7) any chimney sending forth smoke in such quantity as to be a nuisance ; and

(8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood.

Detection of nuisance.

43. Every urban local authority shall—

(*a*) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist therein calling for

abatement under the powers conferred on such authority by this Act; and

(b) enforce the provisions of this Act in order to abate such nuisances.

Information regarding nuisance.

44. Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the public health establishment of the local authority.

Power of Health Officer to abate nuisance.

45. If the Health Officer is satisfied, whether upon information given under section 44 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that—

(a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

(b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

Power of local authority to abate nuisance.

46. If the person on whom a notice to abate a nuisance has been served under section 45, makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

Provision regarding house rendered unfit for occupation by reason of nuisance.

47. Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not being a magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor and the Magistrate shall, after enquiry, pass such order as he deems fit.

Disposal of articles removed while abating nuisance.

48. (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

(2) A local authority selling any materials under sub-section (1) shall pay the sale-proceeds to the person to whom the materials belonged, after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

Powers of entry and inspection

49. The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that—

(*a*) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;

(*b*) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry;

(*c*) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

Power of Government in case of default by local authority.

50. If the local authority or its Health Officer makes default in doing its or his duty under this Act in regard to the abatement or prevention of nuisances, the Government may authorize any of its officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

Nuisance caused by act or omission outside local area.

51. If a nuisance under this Act within, or affecting any part of, a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, authorized by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

Prohibition of the deposit of rubbish, etc., in street etc.

52. (1) No person shall deposit, or cause or suffer any member of his family or household to deposit, any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other

rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street, or on any open space (not being private property), or on the bank of any water-course, except in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.

(2) No person shall ease himself, or cause, permit or suffer any member of his family or household to ease himself, in any such street, arch, drain, open space or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

## CHAPTER VII.

### PREVENTION, NOTIFICATION AND TREATMENT OF DISEASES.

### PART I.

#### Infectious Diseases in General.

Infectious diseases.

53. For the purposes of this Part, 'infectious disease' mean.—

(*a*) acute influenzal pneumonia, (*b*) anthrax, (*c*) cerebro-spinal fever, (*d*) chicken-pox, (*e*) cholera, (*f*) diphtheria, (*g*) enteric fever, (*h*) leprosy, (*i*) measles, (*j*) plague, (*k*) rabies, (*l*) relapsing fever, (*m*) scarlet fever, (*n*) small-pox, (*o*) tuberculosis, (*p*) typhus or (*q*) any other disease which the Government may from time to time by notification declare to be an infectious disease either generally throughout Mysore or in such part or parts thereof as may be specified in the notification.

Appointment of additional health staff.

54. (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the Director of Public Health whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary; and expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

Provision and maintenance of isolation hospitals and wards.

55. (1) (*a*) The local authority may, and if so required by the Government shall, provide or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(*b*) For the purpose of the reception and treatment of such persons a local authority may—

(i) itself build such hospitals, wards or places of reception, or

(ii) contract for the use of any such hospital or part of a hospital or place of reception ; or

(iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.

(*c*) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the Director of Public Health.

Provision of ambulances, etc.

56. A local authority may, and if so required by the Director of Public Health shall,—

(*a*) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease ; and

(*b*) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

Medical practitioners to give information of certain infectious diseases

57. Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay—

(*a*) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector ; and

(*b*) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village patel.

*Explanation.*—In this section, 'medical practitioner' includes a *hakim* or *vaidya*, whether registered or not.

Prohibition of the use of water from suspected source.

58. (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is likely to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

Removal of infected person to hospital.

59. (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person—

(*a*) (i) is without proper lodging or accommodation; or
(ii) is lodged in a place occupied by more than one family; or
(iii) is without medical supervision directed to the prevention of the spread of the disease; or
(iv) is in a place where his presence is a danger to the people in the neighbourhood; and

(*b*) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment,

the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman who, according to custom, does not appear in public, is removed to any such hospital or place :—

(i) the removal shall be effected in such a way as to preserve her privacy; and
(ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place.

(3) No person shall leave, or be taken away from any hospital or other place referred to in sub-section (1) without the permission of the medical officer-in-charge.

(4) Whoever—

(*a*) obstructs the removal of any person to any hospital or other place under sub-section (1), or
(*b*) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3),

shall be punished with imprisonment which may extend to three months, or with fine, or with both.

Prohibition of the exposure of other persons to infection.

60. (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in—

(*a*) any market, theatre or other place of entertainment or assembly, or

(*b*) any school, college, play-ground or such other place, or
(*c*) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(*d*) any factory or shop.

*Explanation.*—A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

Infected persons not to engage in certain trades and occupations.

61. No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease :—
(*a*) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption ; or
(*b*) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

Prevention of infectious diseases transmissible from animals.

62. If in any local area, any infectious disease transmissible to man breaks out or is in the opinion of the Health Officer likely to break out, amongst cattle, or other animals, it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof ; and the local authority shall consider such recommendations and take such action thereon as to it may seem suitable.

## PART II.

### Notified Infectious Diseases.

Notified diseases.

63. In this Part, notified disease means :—
(*a*) cerebro-spinal fever,
(*b*) chicken-pox,
(*c*) cholera,
(*d*) diphtheria,
(*e*) leprosy,

(*f*) measles,
(*g*) plague,
(*h*) rabies,
(*i*) scarlet fever,
(*j*) small-pox,
(*k*) typhus, or
(*l*) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this part either generally throughout the State or in such part or parts thereof as may be specified in the notification.

Occupation of houses to prevent the spread of infection.

64. (1) The Health Officer may, in cases of emergency, with the sanction of the Deputy Commissioner, enter upon, occupy and use, or depute any person to enter upon, occupy and use without having recourse to the provisions of the Mysore Land Acquisition Act, 1894, any building or place which, in the opinion of the Health Officer, is required, and is suitable for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Deputy Commissioner.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

Information regarding notified disease.

65. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital, and

every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease,

shall, if the case has not been already reported, give information of the same with the least practicable delay—

(*a*) in municipal areas, to the executive authority, the Health Officer or a Sanitary or Assistant Sanitary Inspector, and

(*b*) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village patel.

*Explanation.*—In iths section, 'medical practitioner' includes *hakim* or *vaidya*, whether registered or not.

Power of entry of local officers to take preventive measures.

66. (1) The Health Officer or any person authorized by him in this behalf may—

(*a*) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist, without notice in the cases of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and

(*b*) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in municipal areas, be exercised also by the executive authority or any person authorized by such authority.

Destruction of hut or shed to prevent spread of infection.

67 (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1); but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Closure of lodging houses.

68. If, on the application of the Health Officer, a Magistrate (not being a magistrate of the third class) is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on account of the exisence or recent occurrence in such lodging house or place of acase of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified inthe order or until it is certified by the Health Officer to be free from infection.

Infected clothes not to be sent to laundry.

69. No person shall—

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been

exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of, the Health Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

Infected persons not to use public conveyance.

70. (1) No person who knows that he is suffering from a notified disease shall—

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notified disease shall permit that person to be carried—

(a) in any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in charge of a public conveyance in which a person suffering

from a notified disease has been conveyed shall provide for its disinfection.

Letting or sub-letting building occupied by an infected person.

71. No person shall, without a special permit from the Health Officer, let or sub-let, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has been suffering from a notified disease, within the three months immediately preceding.

Prohibition of the exposure of other persons to infection.

72. (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in—

(*a*) any street or public place, or
(*b*) any market, theatre or other place of entertainment or assembly, or
(*c*) any school, college, play-ground or such other place, or
(*d*) any hotel, hostel, boarding house, choultry, rest-house, or club, or
(*e*) any factory or shop.

*Explanation.*—A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

Forbidding work in infected premises.

73. (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel

and any work incidental thereto, and to such other classes of work as may from time to time be notified by the Director of Public Health.

Prohibition of use of public library by infected person.

74. No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

Disposal of bodies of persons dying while suffering from notified disease.

75. (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to, the body.

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3) (*a*) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building,

any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(*b*) A Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(*c*) The expenses of the removal and disposal of any body under clause (*a*) or clause (*b*) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(4) (*a*) If any person dies in a hospital or a place of temporary accommodation for the sick, while suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(*b*) When the body is removed for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning ground or a crematorium, and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

Power of Magistrate to prohibit an assembly of more than fifty persons.

76. In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate having local jurisdiction shall have power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

Power of Government to confer special powers on officers to control notified diseases.

77. (1) (*a*) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, the Government may declare that such place or area is visited by, or threatened with, an outbreak of such disease.

(*b*) The power conferred on the Government by clause (*a*) may also be exercised, in the case of a place or area situated in a district, by the Deputy Commissioner of the district subject to the control of the Government.

(*c*) Any declaration made by the Government under clause (*a*) or withdrawal thereof in whole or in part shall be published in the Official Gazette and shall come into operation on the date of such publication.

(*d*) Any declaration made by the Deputy Commissioner under clause (*b*) or withdrawal thereof in whole or in part shall be published in the Official Gazette, and shall come into operation on the date of such publication.

(2) When a declaration under clause (*a*) or clause (*b*) of sub-section (1) comes into operation and until it is withdrawn, the Deputy Commissioner of the district or any person duly authorized by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the local authority concerned or any officer of the Government other than the Deputy Commissioner may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed, either

generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely :—

(*a*) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality ;

(*b*) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3) ;

(*c*) power to direct—

(i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers ;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection ; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days ;

(*d*) power to take such measures as may be necessary—

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including, in case (i) the placing of restrictions on the movements of such persons, and in case (ii), the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area;

(*e*) power to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner ; and

(*f*) power to close all or any existing markets and to appoint special places where markets may be held.

(3) (*a*) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (*b*) of sub-section (2), declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be,

the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (*b*) and no exemption shall be granted to any person who has been so convicted.

(*b*) Any person who commits a breach of any undertaking given by him under clause (*a*) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

(4) The local authority may, in its discretion, give compensation to any person who in its opinion has sustained substantial loss by the destruction of any property under the powers conferred by this section; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

Destruction of rats, mice, etc.

78. (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infesting such premises.

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1), he may either—

(*a*) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(*b*) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty-four hours' previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.

## PART III.

### Venereal Diseases.

Provision for treatment of venereal diseases by local authorities.

79. (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for—

(*a*) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases.

(2) The local authority may, for the purpose mentioned in sub-section (1), enter into a contract—

(a) with any other local authority, or

(b) with a hospital or medical institution recognized by the Government in this behalf, or

(c) with the sanction of the Government, with any medical practitioner registered under the Mysore Medical Registration Act, 1931.

Patient to be instructed in methods of prevention of the spread of venereal disease.

80. Every physician or other person treating, or examining with a view to treatment, a person having a venereal disease shall, at the first visit—

(a) impress upon such person the necessity for treatment until the cure is effected ;

(b) instruct him in regard to the measures necessary for preventing the spread of the disease ; and

(c) furnish him with such other information relating to the disease as may be provided by the Director of Public Health.

Certain medical practitioners to certify as to freedom from venereal disease.

81. Every medical practitioner registered under the Mysore Medical Registration Act, 1931, and included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that such person is not suffering from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

## PART IV.

### Power to make rules.

Rules for the prevention, treatment and control of certain diseases.

82. The Government shall have power to make such rules as it deems fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

## CHAPTER VIII.

### MATERNITY AND CHILD-WELFARE.

Local authority to carry out maternity and child-welfare measures

83. Every local authority shall be bound to carry out such measures pertaining to maternity and child-welfare as may be prescribed.

91. (1) Before issuing a notification under section 90, the local authority shall— Approval of Director of Public Health and of Director of Town Planning to be obtained for notification.

(*a*) obtain the approval both of the Director of Public Health and of the Director of Town Planning in regard to—

(i) the suitability of the areas proposed to be reserved for residential purposes; and

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 90; and

(*b*) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of section 90 and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the Director of Public Health or the Director of Town Planning, the matter shall be referred to the Government whose decision shall be final.

92. Any person aggrieved by the issue of a notification under section 90, may appeal to the Government whose decision shall be final. Appeal against notification.

93. Upon the issue of a notification under section 90, the following consequences shall ensue, namely:— Consequences of notification.

(*a*) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(*b*) In the case of any factory, workshop or workplace in existence at the time when the notification comes into force or of any offensive trade in existence at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

*Explanation* (1).—If work in any factory, workshop, or workplace existing at the time when the notification under section 90 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop, or workplace or of such offensive trade, as the case may be, shall, unless the Government otherwise orders, be deemed to be absolutely prohibited under clause (*a*).

*Explanation* (2).—In the case referred to in Explanation (1), where the period exceeds six months but does not extend to one year, work in the factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without the written permission of the Health Officer unless the Government otherwise orders.

Extension of sections 90 to 93 to non-urban local authorities.

94. The Government may, by notification, direct that the provisions of sections 90 to 93 shall apply to any non-urban local authority specified in such notification; and thereupon, the provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of section 90 were a reference to the date of publication of the notification under this section.

## PART II.

### Control over Insanitary Buildings.

New building not to be erected on certain sites.

95. No person shall erect a new building on any ground which has been filled up with fæcal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

Cleansing of court, yard or passage used in common.

96. (1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Health Officer, he may cause such court, yard or passage to be swept and cleansed.

(2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings which front or abut on the court or yard, to which the passage affords access, in such proportions as may be determined by the Health Officer.

Dwelling house unfit for human habitation to be vacated.

97. (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation, he may in cases not falling under section 47, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Provided that before making an order under this sub-section, the local authority shall give the owner and the occupier or occupiers, if any, concerned a reasonable opportunity of showing cause why it should not be made.

(2) When any order has been made under sub-section (1), the executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit

land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

Prohibition of interference with such works.

88. (1) No person shall, without the consent of the Health Officer, interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or building, by or under the orders of the Health Officer with the ob ect of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

Power of Health staff to enter and inspect premises.

89. For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Sanitary or Assistant Sanitary Inspector may, at all reasonable times, after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

## CHAPTER X.

### SANITATION AND BUILDINGS

### PART I.

#### Residential Areas.

Notification of residential areas.

90. (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issue of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

## CHAPTER IX.

### MOSQUITO CONTROL.

Prohibition of mosquito breeding in collections of water.

84. (1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extension—

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been so treated as effectively to prevent such breeding.

*Explanation.*—Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvæ in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment o mosquito. breeding places.

85. (1) The Health Officer may, by notice in writing require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the Director of Public Health, as the Health Officer may consider suitable in the circumstances.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter be, due from him to the owner.

Health Officer's powers in case of default.

86. If the person on whom a notice is served under section 85 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it were a property tax.

Protection of anti-mosquito works.

87. Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority, or the owner or occupier at the instance of the Government or any local authority, has constructed any works in such

the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let or occupy, or permit to be let or occupied, such dwelling house or portion, or any part thereof, as a human habitation.

## PART III.

### Abatement of Overcrowding.

Definitions.

98. In this Part—

(1) "tenement" means a dwelling house and includes—

(*a*) any part of a dwelling house which is capable of separate occupation; and

(*b*) a students' hostel under public or recognized control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) "landlord" means the immediate landlord or the occupier or occupiers of a tenement.

Duties of landlord.

99. A landlord of a tenement—

(*a*) shall maintain it in a habitable condition; and

(*b*) except temporarily on occasions such as marriages and the like, shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in a habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

Power to make rules.

100. The Government shall have power to make rules for determining—

(*a*) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of section 99; and

(*b*) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

## CHAPTER XI.

### LODGING HOUSES.

Lodging houses to be registered.

101. No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

Register of lodging houses.

102. Every executive authority shall keep a register in which shall be entered—

(*a*) the full name and the place of residence of every person registered as the keeper of a lodging house;

(*b*) the situation of every such lodging house;

(*c*) the number of persons authorized to be received in the lodging house; and

(*d*) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging house.

Conditions of registration and of renewal of registration.

103. (1) An executive authority on receiving from any person an application for registration, or for the renewal of his registration, as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority—

(*a*) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and

(*b*) may refuse to register, or to renew the registration of, an applicant if he is satisfied that—

(i) the applicant or any person employed or proposed to be employed by the applicant at the lodging house as a deputy or otherwise is not a fit person, whether by reason of age or otherwise, to keep or to be employed at a lodging house; or

(ii) the premises are not suitable for use as a lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire, suitably equipped for use as such; or

(iii) the use of the premises as a lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration, or the renewal of the registration of a person as a keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date, when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If, at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

Appeal to local authority.

104. A person aggrieved by the refusal of an executive authority to grant or renew registration under section 103 may appeal to the local authority.

Rules for the upkeep and maintenance of lodging houses.

105. The Government shall have power to make rules—

(*a*) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein;

(*b*) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceilings thereof to be lime-washed or treated with some other suitable preparation, at specified intervals;

(*c*) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and

(*d*) generally for the well-ordering of lodging houses.

Notice to be affixed outside the lodging house.

106. (1) The keeper of a lodging house shall, if so required by the executive authority, affix, and keep affixed and undefaced and legible, a notice with the words "Registered Lodging House" in some conspicuous place on the outside of the house.

(2) The keeper of a lodging house and every other person having the care and taking part in the management thereof shall at all times allow the executive authority, the Health Officer or any other person authorised by the executive authority or Health Officer in this behalf, to have free access to all parts of the house.

Cancellation of registration by Court.

107. When the registered keeper of a lodging house is convicted of any offence under this Chapter or under section 65 or a rule or by-law applicable to him made under this Act, the Court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as a Court thinks fit for being again registered as such keeper.

## CHAPTER XII.

### FOOD CONTROL.

Prohibition of sale of unsound food.

108. (1) No person shall—

(a) sell, expose or hawk about for sale, or keep, store or prepare for sale, or give or distribute any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or

(b) sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, or give or distribute any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the Court shall, unless and until the contrary is proved, presume—

(a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption, has been kept by such person for sale, and

(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

Punishment for contravening provisions of section 108, through others.

109. (1) Any person who does any of the acts mentioned in sub-section (1) of section 108 or in clauses (a) to (d) of sub-section (1) of section 5 of the Mysore Prevention of Adulteration Act, 1921, through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same.

Flesh of dead animal not to be consumed.

110. No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

*Explanation.*—It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle, or on any other ground.

Importing meat into local area.

111. (1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughterhouse maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that

behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to—

(a) cured or preserved meat, or

(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the course of transit, or

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

Power of Health Officer to enter premises used for food trade

112. The Health Officer may, without notice, enter any place at any time, by day or by night, where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing the same.

Powers of Health Officer to deal with carriers of disease handling food.

113. (1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale.

(2) If on such examination the Health Officer finds that such person is suffering from, or harbouring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease.

Investigation of diseases caused by milk or dairy produce.

114. (1) If the Health Officer has reason to believe—

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area, or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease,

the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the limits of the local area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained, not directly from a dairy but through some other person, the,

Health Officer may make a similar requisition upon such person.

(3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

Inspection of dairy by Health Officer.

115. (1) The Health Officer may inspect any dairy referred to in section 114 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order is made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or the employees objected to by him have ceased to work at the dairy, or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1) the Health Officer may either—

(a) permit the milk or other produce of the dairy, after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or

(b) cause such milk or dairy produce to be destroyed.

(5) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

## CHAPTER XIII

### FAIRS AND FESTIVALS.

Notification of fairs and festivals by Government.

116. (1) The Government may, by notification—

(a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre for such period as may be specified in the notification ; and

(b) define the limits of the area which shall, for the purposes aforesaid, be the site for the fair or festival.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connexion with which a notification under sub-section (1) has been issued.

117. (1) The Government or the local authority with the approval of the Government, may, by notification, impose, during a period to be specified in the notification, a tax on persons leaving a notified fair or festival centre or any place within such distance therefrom as may be specified in the notification. Levy of pilgrim tax.

(2) Every such notification shall specify the rates at which the tax shall be levied :

Provided that the tax shall not exceed two annas for every person.

(3) The Government shall have power to make rules regarding—

(a) the collection of the tax ;
(b) the ascertainment of the expenses incurred in collecting the tax ;
(c) in case the tax is collected by any authority (other than the local authority concerned) or any person, the payment of the proceeds of the tax after deducting the expenses of collecting the same, to the local authority ;
(d) in the case referred to in clause (c), the returns and information to be furnished by the authority or person collecting the tax to the local authority concerned, and the decision of disputes between the authority or person aforesaid and such local authority ; and
(e) the decision of disputes between two or more local authorities.

118. (1) The Government, or the local authority with the approval of the Government, may, by notification, levy tolls on any vehicle (other than a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates, and subject to such exemptions, as may be specified in the notification. Levy of tolls on vehicles.

(2) The Government shall have power to make rules regarding—

(a) the collection of tolls ;
(b) the composition of the tolls payable by any person;
(c) the seizure, detention and disposal of any vehicle or animal in respect of which toll is not paid ;
(d) the duty of the police to assist persons authorised to collect tolls and the powers of the police in that behalf ; and
(e) the penalties to be imposed in case of evasion of tolls or of resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid.

119. (1) The person or authority in charge of any fair or festival shall, not less than sixty days before its commencement, intimate to the executive authority or Health Officer of the local Notice to be given of fair or festival.

authority concerned, or in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of the commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned.

Sanitary arrangements, etc.

120. The local authority within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly shall make provision for—

(1) the demarcation and preparation of the site of the fair or festival;

(2) the clearing and draining of the site;

(3) the disposition of the several parts of the fair or festival, including the alignment of roads within the site;

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and the proper preservation of such water;

(5) the accommodation of pilgrims and visitors to such extent as may be practicable;

(6) the lighting of the fair or festival centre;

(7) the supply by suitable persons of wholesome food, at reasonable rates, and in such quantities as may be necessary to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival centre;

(8) the collection, removal and disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival;

(10) the detection and segregation of cases of infectious diseases and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and

(12) such other purposes as may be prescribed.

Health Officer to supervise the arrangements.

121. The arrangements mentioned in section 120 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local authorities designated by the person or committee referred to in section 120 or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned within their respective local areas.

122. (1) The Health Officer, or a Sanitary or Assistant Sanitary Inspector of the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may— Power to enter and seize unwholesome food.

(a) enter and inspect any building or shop in the fair or festival centre, which is a source of food supply;

(b) for the purpose of inspection, have access to any source of water supply on such centre or within such distance therefrom as the Government may, by general or special order, determine; and

(c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival centre which he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if, in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2) (a) Any officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed, and any expenses incurred in his behalf (including the cost, if any, of analysing the food or a sample thereof) shall be recoverable from the person from whom the food was seized, as if it were a tax due from him to the local authority or any of the local authorities concerned.

(c) If the authority or person aforesaid is of opinion that such food is wholesome and fit for human consumption, the food shall be returned to the person from whom it was seized; and the cost, if any, of analysing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

123. (1) The local authority may, in cases of emergency, with the sanction of the Deputy Commissioner, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any land or any building not being a dwelling-house in the notified fair or festival centre which, in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation-sheds, latrines, and the like: Occupation of building, etc., required in connection with fair or festival.

Provided that if the land or building is occupied, notice shall be given in writing to the occupant or be conspicuously

affixed on such land or building, not less than twenty-four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Deputy Commissioner.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

Control over private sources of water-supply.

124. (1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival site, or within such distance therefrom as the Government may by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

Licensing of houses to accommodate visitors to fair or festival.

125. (1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed, and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3) (*a*) If it appears to the executive authority or the Health Officer, as the case may be, that the house is suitable for accommodating visitors to the fair or festival, he may issue a licence, in the prescribed form and subject to the prescribed conditions, for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the

house, whether as members of the family or as servants of the owner or occupier.

(b) The licence shall also specify—

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licensed house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfilment of such condition, as he may specify.

Extension of provisions of chapter to certain areas.

126. The Government may, by notification and subject to such modifications, if any, as may be specified therein, extend all or any of the foregoing provisions of this Chapter or any other provision in this Act connected therewith, to any local area or part of a local area in which a large number of persons attending a fair or festival held in a notified fair or festival centre halt, or are expected to halt, on their way to, or return from such centre.

## CHAPTER XIV.

### FINANCE.

Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals.

127. If in respect of any fair or festival, any tax or toll is levied under section 117 or section 118 of this Act, or under any Act or Rule constituting a local body, the local authority shall have power to spend the proceeds thereof in connection with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may, by general or special order, authorize.

Earmarking of revenue by local authorities for expenditure on public health.

128. (1) Every municipality shall earmark not less than 30 per cent of its income from all sources other than Government grants, for expenditure on the advancement of public health in its local area, including expenditure on medical relief, and every local body other than a Municipal Council shall similarly earmark not less than 12½ per cent of its income from such sources:

Provided that the Government may, for financial or other reasons, vary the provisions of this sub-section to such extent as it may think fit in the case of any local bodies.

(2) (a) The Government may, by notification authorize any local authority or class of local authorities to incur expenditure on any public health purpose specified in the notification,

notwithstanding anything contained in the Act under which such local authority or authorities have been constituted.

(b) Any expenditure incurred by a local authority, which is authorized by clause (a) shall be taken into account for the purposes of sub-section (1).

## CHAPTER XV.

### RULES, BY-LAWS, PENALTIES, ETC

Power of Government to make rules.

129. (1) The Government shall, in addition to the rule-making powers conferred on it by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules—

(a) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and

(b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

Penalty for breach of rules.

130. (1) In making a rule under section 82, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable—

(i) with fine which may extend to one hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making and the effect of rules.

131. (1) The power to make rules under this Act shall be subject to the following conditions:—

(a) A draft of the rules shall be published in the *Mysore Gazette*.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

(2) All rules made under this Act shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

By-laws by local authorities.

132. Any local authority may make by-laws, not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

Breach of by-laws.

133. In making a by-law the local authority may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority or the Health Officer to discontinue such breach.

Procedure for making or altering by-laws.

134. By-laws made by a local authority under sections 132 and 133 shall always be subject to the previous sanction of the Government and shall also be subject,—

(*a*) in case the local authority is a City Municipal Council, to sub-sections (2) and (3) of section 51 and section 52 of the Mysore City Municipalities Act, 1933 ; and

(*b*) in case the local authority is a Town Municipal Council, to sub-sections (2) and (3) of section 48 and section 49 of the Mysore Town Municipalities Act, 1933.

Penalties fo offences against Act, etc.

135. (1) Whoever,—

(*a*) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I ; or

(*b*) contravenes any rule or order made under any of the provisions so specified ; or

(*c*) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions, shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any of the provisions of this Act specified in the first and second columns of Schedule II ; or

(*b*) contravening any rule or order made under any of the provisions so specified ; or

(*c*) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions ;

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or

requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

*Explanation.*—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

Penalty for preventing entry of executive authority or Health Officer.

136. Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

## MISCELLANEOUS.

Appeal against decisions of Health Officer]

137. (1) An appeal shall be to the Director of Public Health against a decision of the Health Officer given under section 29, section 32, section 40, section 41, section 45, section 67 or section 95 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed.

Method of serving notices.

138. (1) When any notice is required to be given by this Act or by any rule, by-law, regulation or order made under it, such notice shall be given—

(*a*) by giving or tendering the notice to such person; or

(*b*) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the local area and his address elsewhere is known to the executive authority, by sending the same to him by post, registered; or

(*d*) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

139. No person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it, unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer or by a person expressly authorized in this behalf by the local authority, the executive authority or the Health Officer: Cognizance of offences against the Act.

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1904, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

140. The executive authority or the Health Officer may compound any offence against this Act or the rules or by-laws made thereunder which may, by rules made by the Government, be declared compoundable. Power to compound offences.

The power to compound any offence so declared may also be exercised by such other authority or person as may be authorised in that behalf by rules made by the Government.

141. Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or by-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason to believe to be false. Powers of Police Officers to arrest offenders against Act, etc.

142. (1) The executive officer of a local authority or any member of the Public Health establishment of a local authority not below the rank of Sanitary or Assistant Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer in charge of the nearest police station as expeditiously as possible. Powers of executive officer and public health staff to arrest offenders against Act, etc.

(2) The offences referred to in sub-section (1) are—

(*a*) offences against any of the provisions of this Act, or of any rule or by-law made thereunder; and

(*b*) offences falling under any of the provisions of the Acts, mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction—

(i) sections 130, 131 (1), 150 (1), 150 (2), 151, 152, 153, 154 (1), 158 (a), 158 (b), 161, 162 (1), 162 (2), 165 (1), 165 (2), 167 (2), 168 (2), 172 (1), 172 (2), 172 (3), 174 (4), 175 (5), 178 (5), 180 (3), 181 (2), and 184 of the Mysore City Municipalities Act, 1933;

(ii) sections 119, 120 (1), 136 (1), 136 (2), 137, 138, 139 (1), 143, 144 (1), 141 (2), 145, 147, 148 (2), 150 (1), 151 (1), 152 (5), 154 (4), 156 (5), 157 (3), 158 (2), and 161 of the Mysore Town Municipalities Act, 1933;

(iii) section 95 of the Mysore Minor Municipalities Act, 1933;

(iv) sections 56 and 57 of the Mysore Police Act, 1908; and

(v) section 5 of the Mysore Prevention of Adulteration Act, 1921.

Persons arrested not to be detained unnecessarily.

143. No person arrested under section 141 or section 142 shall be detained in custody—

(*a*) after his true name and address have been ascertained, or

(*b*) for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the Court having jurisdiction to try the case.

Bar of suits and prosecutions in certain cases.

144. (1) No suit, prosecution or other proceeding shall lie, against any local authority or any executive authority of a local authority, or against the Government or any officer or servant of a local authority or of the Government, or against any person appointed under section 13 of this Act, for any Act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the Government and no person appointed under section 13 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the Act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Punishment for malicious abuse of powers.

145. Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person appointed under section 13 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

*Explanation.*—No prosecution shall be instituted under this section without the previous sanction of the Government.

Delegation of powers by Government.

146. The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers

vested in it by this Act and may in like manner withdraw such authority :

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act, or to their powers under sections 2 (2), 2 (3) (b), (9) (2), 128 (1) and 148.

147. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order and, subject to any repeal effected by, or other express provision of this Act, all such powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed. Powers of Act to be cumulative

148. If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to it necessary for the purpose of removing the difficulty. Power to remove difficulties.

# SCHEDULE I.

## ORDINARY PENALTIES.

[*See Section 135 (1).*]

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 25 | (1) | Failure of the owner or other person having control to obey or comply with the directions contained in a notice requiring to keep any well, etc., in good repair, to cleanse it, or protect, etc. | Fifty rupees. |
| 27 | ... | Owner of new dwelling house occupying or permitting its occupation without a supply of wholesome water. | Do |
| 29 | (1) | Failure to comply with notice to provide efficient drainage. | Do |
| 30 | ... | Failure to comply with notice requiring to connect a house drain with an outside drain. | Do |
| 31 | ... | Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land. | One hundred rupees. |
| 32 | ... | Failure to comply with notice for paving or raising the level of any court, yard, etc. | Fifty rupees. |
| 33 | (1) | Unlawful construction of cess-pool or construction of cess-pool on unapproved site. | Do |
| | (2) | Failure to comply with notice requiring removal or closure of cess-pool. | Do |
| 34 | | Occupying or permitting occupation of new building without drain. | One hundred rupees. |
| 35 | ... | Letting out sullage or sewage into a street, etc. | Fifty rupees. |
| 36 | ... | Discharging injurious refuse, etc., into a drain. | One hundred rupees. |
| 37 | ... | Polluting water-course ... | Do |
| 39 | ... | Constructing or reconstructing a building intended for human habitation without a sanitary convenience. | Fifty rupees. |
| 40 | ... | Failure to comply with notice regarding provision of sanitary conveniences or latrines. | Do |
| 41 | (1) | Failure to construct and maintain latrines in the prescribed manner. | Do |

SCHEDULE I—(*contd*).

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| | (2) | Failure to comply with notice regarding removal or improvement of latrines. | Fifty rupees. |
| | (3) | Causing injury to latrines ... | Do |
| 45 | ... | Failure to comply with notice to abate nuisance. | Do |
| 47 | ... | Failure to comply with Magistrate's order prohibiting the use of a house or building. | One hundred rupees. |
| 52 | (1) | Depositing filth, rubbish, etc., in streets. | Twenty-five rupees. |
| | (2) | Easing or permitting a member of the family to ease in a street, etc. | Do |
| | (3) | Failure to cover excreta with earth ... | Five rupees. |
| 57 | ... | Failure to give information regarding existence of certain infectious diseases. | Do |
| 58 | (2) | Failure to comply with notice prohibiting the use of unwholesome water. | One hundred rupees. |
| 60 | ... | Exposing other persons to infection ... | Twenty-five rupees. |
| 61 | (a) | Infected persons carrying on trade in articles of food. | Fifty rupees. |
| | (b) | Infected persons engaging in other occupations without permit. | Do |
| 65 | ... | Failure to give information of notified diseases. | Ten rupees. |
| 68 | ... | Failure to close lodging houses, etc. ... | One hundred rupees. |
| 69 | ... | Sending infected clothes to a laundry or depositing infected articles in a receptacle for refuse matter. | Fifty rupees. |
| 70 | (1),(2),(3) and (5) | Using or permitting use of public conveyance by an infected person. | Do |
| 71 | ... | Letting or sub-letting of infected building without a permit. | Do |
| 72 | ... | Exposing other persons to infection ... | Do |
| 73 | (1) | Failure to comply with notice forbidding work in infected premises. | Do |
| 74 | ... | Use of books from public libraries by infected persons, etc. | Do |
| 75 | (1),(2),(4) and (5) | Delay in disposing of dead body of an infected person or allowing others unnecessarily to come into contact with it, etc. | Do |
| 76 | ... | Failure to comply with order prohibiting assemblages of more than 50 persons. | One hundred rupees. |

SCHEDULE I—(*contd.*,

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 77 | (2) | Failure to comply with any order or direction issued by the Deputy Commissioner or other officer. | One thousand rupees. |
| 78 | (1) | Failure to take steps for the destruction of rats, mice, etc. | Twenty rupees. |
| 78 | (2) | Failure to comply with the notice for the destruction of rats, mice, etc. | Fifty rupees. |
| 80 | ... | Failure to give instructions to the person having venereal disease and failure to furnish the required information. | Twenty rupees. |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against breeding of mosquitoes. | Fifty rupees. |
| 87 | ... | Permitting the deterioration of works relating to prevention of the breeding of mosquitoes. | Two hundred rupees. |
| 88 | (1) | Injuring or destroying anti-mosquito works. | Five hundred rupees. |
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | One thousand rupees. |
| | (b) | Failure of factories, workshops, etc., to comply with restrictions imposed. | Five hundred rupees. |
| 95 | ... | Illegal erection of building on insanitary ground. | Two hundred rupees. |
| 97 | (2) and (3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling-house. | Do |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Fifty rupees. |
| | (b) | Causing or permitting a tenement to be overcrowded. | Do |
| 101 | ... | Keeping a lodging house or receiving a lodger without registration. | One hundred rupees. |
| 106 | (1) | Failure to affix notice. | Ten rupees. |
| | (2) | Refusal to allow free access to the executive authority, etc., to all parts of the lodging house. | One hundred rupees. |
| 108 | (1) | Selling, etc., unsound meat or food. | Do |
| 109 | ... | Selling, etc., unsound meat or food through others. | Do |
| 110 | ... | Consuming the flesh of any animal which has died of natural causes. | Do |

SCHEDULE I—(*concld.*)

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 111 | (1) | Unlawfully importing meat from outside the local area. | One hundred rupees. |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | Do |
| 114 | ... | Failure to furnish information regarding the sources of supply of milk or dairy produce. | Fifty rupees. |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Two hundred rupees. |
| 119 | ... | Failure to inform the proper authority about the date and other particulars regarding fair or festival. | Fifty rupees. |
| 124 | ... | Failure to comply with notice to close or disinfect source of water-supply. | One hundred rupees. |
| 125 | (1)and (3) | Accommodating visitors without licence, or infringing conditions of licence. | Fifty rupees. |

# SCHEDULE II.

## PENALTIES FOR CONTINUING BREACHES.

[*See Section 135 (2).*]

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 25 | (1) | Failure of the owner or other person having control to obey or comply with the directions contained in the notice requiring to keep any well, etc., in good repair, to cleanse it or protect, etc, | Ten rupees. |
| 27 | ... | Continuing to occupy a dwelling house or to permit its occupation without a supply of wholesome water. | Do |
| 29 | (1) | Failure to comply with notice to provide efficient drainage. | Do |
| 30 | ... | Failure to comply with notice requiring to connect a house drain with an outside drain. | Do |
| 31 | ... | Failure on the part of the owner of land to comply with notice requiring a drain for a hut on the land. | Twenty rupees. |
| 32 | ... | Failure to comply with notice for paving or raising the level of any court, yard, etc. | Ten rupees. |
| 33 | (2) | Failure to comply with notice requiring removal or closure of cess-pool. | Do |
| 35 | ... | Letting out sullage or sewage into a street, etc. | Do |
| 36 | ... | Discharging injurious refuse, etc., into a drain. | Twenty rupees. |
| 37 | ... | Polluting water-course .... | Ten rupees. |
| 39 | ... | Constructing or reconstructing a building intended for human habitation without a sanitary convenience. | Do |
| 40 | ... | Failure to comply with notice regarding provision of sanitary conveniences or latrines. | Do |
| 41 | (2) | Failure to comply with notice requiring removal or improvement of latrines. | Do |
| 45 | ... | Failure to comply with notice to abate nuisance. | Do |
| 47 | ... | Failure to comply with Magistrate's order prohibiting the use of a house or building. | Twenty rupees. |
| 58 | (2) | Failure to comply with notice prohibiting the use of unwholesome water. | Do |
| 60 | ... | Exposing other persons to infection. | Five rupees. |

SCHEDULE II—(*concld.*)

| Section | Sub-section or clause | Subject | Fine which may be imposed |
|---|---|---|---|
| 61 | (a) | Infected persons carrying on trade in articles of food. | Ten rupees. |
| | (b) | Infected persons engaging in other occupations without permit. | Do |
| | | Failure to close lodging houses, etc. | Twenty rupees. |
| | ... | Exposing other persons to infection. | Ten rupees. |
| 73 | (1) | Failure to comply with notice forbidding work in infected premises. | Do |
| 77 | (2) | Failure to comply with any order or direction issued by the Deputy Commissioner or other officer. | One hundred rupees. |
| 78 | (1) | Failure to take steps for the destruction of rats, mice, etc. | Five rupees. |
| | (2) | Failure to comply with notice for the destruction of rats, mice, etc. | Do |
| 85 | (1) | Failure to comply with notice requiring steps to be taken against the breeding of mosquitoes. | Ten rupees. |
| 93 | (a) | Construction of factories, workshops, etc., in residential areas. | Two hundred rupees. |
| | (b) | Failure of factories, workshops, etc., to comply with restrictions imposed. | One hundred rupees. |
| 97 | (2) and (3) | Failure to cease to inhabit a dwelling house declared unfit for human habitation or permitting it to be let or occupied as a dwelling house. | Fifty rupees. |
| 99 | (a) | Failure to maintain a tenement in a habitable condition. | Twenty rupees. |
| | (b) | Causing or permitting a tenement to be overcrowded. | Do |
| 101 | ... | Keeping a lodging house or receiving a lodger without registration. | Fifty rupees. |
| 106 | (1) | Failure to affix notice. | Five rupees. |
| | (2) | Refusal to allow free access to the executive authority, etc., to all parts of the lodging house. | Fifty rupees. |
| 108 | (1) | Selling, etc., unsound meat or food. | Twenty rupees. |
| 109 | ... | Selling, etc., unsound meat or food through others. | Do |
| 113 | (2) | Infected person carrying on trade, etc., in articles of food. | Do |
| 115 | (5) | Failure to comply with the order prohibiting the supply of milk or dairy produce. | Fifty rupees. |
| 124 | ... | Failure to comply with notice to close or disinfect source of water-supply. | Twenty-five rupees. |
| 125 | (1) and (3) | Accommodating visitors without licence or infringing conditions of licence. | Twenty rupees. |

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